

SENATE BILL 152

B1

2r0115
CF HB 87

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

Introduced and read first time: January 18, 2012

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 14, 2012

CHAPTER _____

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2012**

3 FOR the purpose of altering or repealing certain required appropriations; altering the
4 distribution of certain revenues; altering or repealing certain funding
5 requirements; altering the authorized use of certain funds; authorizing the
6 transfer of certain funds; exempting from a certain sales or use tax certain
7 State-owned parking lots and garages; requiring certain appropriations to
8 certain counties; ~~repealing certain requirements for a certain notice relating to~~
9 abandoned property to be published in certain newspapers; requiring the
10 Comptroller to maintain, or cause to be maintained, an abandoned property
11 database containing the names and last known addresses, if any, of persons
12 listed in certain reports; requiring the Comptroller to maintain, or cause to be
13 maintained, a certain Internet Web site relating to the abandoned property
14 database; requiring the Comptroller to publish certain notices of a certain
15 Internet Web site; altering the distribution of certain traffic conviction
16 surcharges; requiring the State Court Administrator to submit a certain annual
17 report on or before a certain date; altering certain categories required to be
18 included in certain annual budgets of county boards of education; prohibiting a
19 county council or board of county commissioners from reducing a certain budget
20 amount for a county board of education; authorizing the State to deduct a
21 certain amount under certain circumstances from certain State funds that
22 would otherwise be paid to certain county boards of education *in a certain fiscal*
23 *year; authorizing a county board of education to spend certain funds after*
24 *approval by the county fiscal authority; requiring the county fiscal authority to*

1

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.

Italics indicate opposite chamber/conference committee amendments.



1 approve the amount of certain funds within a certain period of time; providing
 2 that failure to take action constitutes approval by the county fiscal authority
 3 under certain circumstances; ~~requiring the State to provide a certain grant to a~~
 4 ~~county board of education in a certain fiscal year if certain funding provided to a~~
 5 ~~county board decreases by a certain amount;~~ providing a certain exception to a
 6 certain requirement that certain money is to be included in the budget bill;
 7 altering certain State education funding for certain fiscal years; *adding St.*
 8 *Mary's College of Maryland to the list of public senior higher education*
 9 *institutions eligible for money from the Higher Education Investment Fund;*
 10 *clarifying language relating to the Higher Education Investment Fund;* altering
 11 certain fees; ~~establishing the Developmental Disabilities Trust Fund as a~~
 12 ~~special fund to be used for certain purposes; providing for a certain assessment~~
 13 ~~on certain day care centers; requiring certain managed care organizations to~~
 14 ~~operate without restricted enrollment in all jurisdictions of the State or remit a~~
 15 ~~certain amount of money at certain times to the Maryland Medical Assistance~~
 16 ~~Program; requiring the Department to use certain money to fund the statewide~~
 17 ~~rural enrollment supplemental payments made by the Department under a~~
 18 ~~certain provision of law; *requiring the Department of Health and Mental*~~
 19 *Hygiene to make certain payments to certain managed care organizations that*
 20 *are prevented from operating without restricted enrollment in all jurisdictions of*
 21 *the State under certain circumstances; prohibiting the Department of Health and*
 22 *Mental Hygiene from making certain payments to managed care organizations*
 23 *under certain circumstances;* repealing a requirement for a certain payment to
 24 certain nursing facilities under certain circumstances; altering a certain
 25 authority for the Health Services Cost Review Commission to adopt certain
 26 regulations under certain circumstances; requiring a certain nonprofit health
 27 service plan to provide a certain subsidy; altering the percentage of the amount
 28 that may be assessed in the aggregate on certain nursing facilities; *repealing a*
 29 *certain provision related to the Injured Workers' Insurance Fund;* providing that
 30 *the State has no interest in the assets of the Injured Workers' Insurance Fund*
 31 *and that all revenues, money, and assets of the Fund belong to the Fund and*
 32 *are held in trust for certain persons; prohibiting the State from borrowing,*
 33 *appropriating, or directing payments from the Fund for any purpose;*
 34 *prohibiting the dissolution of the Fund; requiring the Department of Budget and*
 35 *Management, in coordination with the Department of General Services, to take*
 36 *certain actions in connection with a certain program of maintenance and repair*
 37 *of public improvements, including establishing certain budgetary procedures*
 38 *and allocating certain costs; requiring the Governor to include in the State*
 39 *budget certain amounts for certain fiscal years in a certain manner; establishing*
 40 *the Facility Maintenance and Repair Fund; requiring the Secretary of Budget*
 41 *and Management and the Secretary of General Services to submit certain annual*
 42 *reports on or before a certain date; requiring the Governor to allocate certain*
 43 *proceeds to the Facility Maintenance and Repair Fund;* ~~requiring~~ providing that
 44 *certain money received by the State, or otherwise subject to the direction or*
 45 *control of a State official, as a result of a certain ~~multistate federal settlement~~*
 46 *of foreclosure misconduct claims settlement, judgment, or consent decree shall be*
 47 *deposited in the State Treasury, shall be expended only in a certain manner;*

1 ~~providing that the settlement money is not subject to transfer, and may be~~
2 ~~transferred by budget amendment under certain circumstances; requiring~~
3 ~~certain State officials to request that certain funds be deposited in the General~~
4 ~~Fund under certain circumstances; requiring that beginning with a certain fiscal~~
5 ~~year the Governor include in the budget bill a certain appropriation of the~~
6 ~~certain settlement money to the Dedicated Purpose Account; altering certain~~
7 ~~commissions for certain licensed agents for a certain fiscal year; requiring~~
8 ~~counties county boards of education to pay a certain portion of certain employer~~
9 ~~contributions for certain members of the Teachers' Retirement System or the~~
10 ~~Teachers' Pension System; requiring the Board of Trustees for the State~~
11 ~~Retirement and Pension System to establish a certain local contribution rate in~~
12 ~~a certain manner for certain fiscal years; include a separate certification of a~~
13 ~~certain normal contribution rate in the certification of certain rates; providing~~
14 ~~for the manner of payment by certain counties county boards of education for~~
15 ~~certain employer contributions; requiring certain counties county boards of~~
16 ~~education to make certain payments of certain employer contributions in certain~~
17 ~~fiscal years; requiring the Comptroller to exercise the right of setoff against~~
18 ~~withhold certain delinquent amounts from any money due or becoming due~~
19 ~~under certain circumstances; requiring the Maryland Aviation Administration~~
20 ~~Fire Rescue Service to charge a certain ambulance transport fee; altering a~~
21 ~~certain requirement for the Maryland Transit Administration to set certain fare~~
22 ~~prices to include a certain percentage from a certain Consumer Price Index;~~
23 ~~altering a certain surcharge on a certain motor vehicle registration fee; clarifying~~
24 ~~certain procedures for collection and payment of certain unpaid tolls; altering~~
25 ~~procedures for the enforcement of certain violations for nonpayment of tolls;~~
26 ~~altering certain provisions establishing a certain civil penalty; authorizing~~
27 ~~reciprocal agreements with other jurisdictions for enforcement of toll violations;~~
28 ~~prohibiting certain regulations adopted by the Secretary of Health and Mental~~
29 ~~Hygiene from applying to certain prior calendar years; authorizing the~~
30 ~~Department of Health and Mental Hygiene to make certain changes to a certain~~
31 ~~methodology in connection with a certain Value Based Purchasing Initiative for~~
32 ~~a certain calendar year; altering the time period during which a certain~~
33 ~~education index adjustment is to be updated; altering certain criteria and~~
34 ~~methodology to be used in updating a certain education index adjustment;~~
35 ~~altering a certain exemption from certain income taxes for certain individuals~~
36 ~~and married couples under certain circumstances; altering a certain reduction~~
37 ~~for a certain individual who elects to itemize certain deductions under certain~~
38 ~~circumstances; providing that the sales and use tax applies to the sale or use of~~
39 ~~certain digital products; providing that for purposes of certain provisions of the~~
40 ~~sales and use tax law certain persons shall be presumed under certain~~
41 ~~circumstances to have an agent, canvasser, representative, salesman,~~
42 ~~independent contractor, or solicitor operating in the State for certain purposes;~~
43 ~~providing that a certain presumption may be rebutted by certain proof; altering~~
44 ~~a certain tax rate for certain tobacco products; providing that, for purposes of~~
45 ~~the recordation tax, secured debt with respect to certain mortgages, deeds of~~
46 ~~trust, and other security interests in real property securing a guarantee of~~
47 ~~repayment of a loan for a certain amount is deemed to be incurred as debt is~~

~~incurred on the guaranteed loan and, with respect to those mortgages, deeds of trust, and other security interests, the recordation tax applies in a certain manner; repealing a certain exemption to the sales and use tax for precious metal bullion or coins; repealing a certain exemption to the sales and use tax for certain sales of manufactured homes; repealing a certain exemption to the sales and use tax for certain sales in the form of a demurrage charge; repealing certain credits allowed against certain taxes for the purchase of Maryland-mined coal; repealing a certain modification for purposes of determining Maryland taxable income for certain public utilities; repealing a certain credit against the State income tax for certain public utilities; altering certain State education funding for a certain fiscal year, subject to a certain contingency; authorizing certain transfers subject to a certain contingency; 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 the General 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; 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 the settlement money is not subject to transfer by budget amendment; 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; authorizing certain counties to reduce a certain education funding requirement in a certain fiscal year under certain circumstances and subject to a certain contingency; defining certain terms; altering certain definitions; providing for the application and construction of certain provisions of this Act; making the provisions of this Act severable; making certain provisions of this Act subject to a certain contingency; providing for the effective dates of this Act; and generally relating to the financing of State government.~~

38 BY repealing and reenacting, with amendments,

39 Article 24 – Political Subdivisions – Miscellaneous Provisions

40 Section 9–602(a)

41 Annotated Code of Maryland

42 (2011 Replacement Volume)

43 BY adding to

44 Article 24 – Political Subdivisions – Miscellaneous Provisions

45 Section 9–1105

1 Annotated Code of Maryland
 2 (2011 Replacement Volume)

3 ~~BY repealing~~
 4 ~~Article – Commercial Law~~
 5 ~~Section 17–311(a), (b), and (c)~~
 6 ~~Annotated Code of Maryland~~
 7 ~~(2005 Replacement Volume and 2011 Supplement)~~

8 ~~BY adding to~~
 9 ~~Article – Commercial Law~~
 10 ~~Section 17–311(a), (b), and (c)~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2005 Replacement Volume and 2011 Supplement)~~

13 BY repealing and reenacting, with amendments,
 14 Article – Courts and Judicial Proceedings
 15 Section 7–301(f)
 16 Annotated Code of Maryland
 17 (2006 Replacement Volume and 2011 Supplement)

18 ~~BY repealing and reenacting, with amendments,~~
 19 ~~Article – Economic Development~~
 20 ~~Section 10–523(3)(i)~~
 21 ~~Annotated Code of Maryland~~
 22 ~~(2008 Volume and 2011 Supplement)~~

23 BY repealing and reenacting, with amendments,
 24 Article – Education
 25 Section 5–101(b)(4), 5–103(c), ~~5–105(c)~~, ~~5–202(a)(13) and (i)~~, 5–206(f)(2),
 26 15–106.6(a)(3) and (b)(9), 16–305(c)(1)(i), 16–512(a)(1), and 17–104(a)(1)
 27 Annotated Code of Maryland
 28 (2008 Replacement Volume and 2011 Supplement)

29 BY repealing and reenacting, without amendments,
 30 Article – Education
 31 Section 5–105(a)
 32 Annotated Code of Maryland
 33 (2008 Replacement Volume and 2011 Supplement)

34 BY adding to
 35 Article – Education
 36 Section ~~5–105(d)~~, 5–202(j), 16–305(c)(1)(iv), 16–512(a)(4), and 17–104(a)(3)
 37 Annotated Code of Maryland
 38 (2008 Replacement Volume and 2011 Supplement)

39 BY repealing and reenacting, with amendments,

1 Article – Environment
 2 Section 7–604(b) and (h) and 9–1707(f)(6)
 3 Annotated Code of Maryland
 4 (2007 Replacement Volume and 2011 Supplement)

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

10 ~~BY adding to~~
 11 ~~Article – Financial Institutions~~
 12 ~~Section 13–1114(g)(3)(iv)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2011 Replacement Volume and 2011 Supplement)~~

15 BY repealing and reenacting, with amendments,
 16 Article – Health – General
 17 Section ~~4–217(c)(1), 4–217(e)(1),~~ 15–117(b) and (c), 19–214(b) and (c), and
 18 19–310.1(b)(2)
 19 Annotated Code of Maryland
 20 (2009 Replacement Volume and 2011 Supplement)

21 BY adding to
 22 Article – Health – General
 23 Section ~~7–207, 14–207, and 14–305~~ 15–102.8
 24 Annotated Code of Maryland
 25 (2009 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, with amendments,
 27 Article – Insurance
 28 Section 14–106(d), 14–106.1, and 14–504(e)
 29 Annotated Code of Maryland
 30 (2011 Replacement Volume)

31 BY repealing
 32 Article – Labor and Employment
 33 Section 10–127
 34 Annotated Code of Maryland
 35 (2008 Replacement Volume and 2011 Supplement)

36 BY adding to
 37 Article – Labor and Employment
 38 Section 10–127
 39 Annotated Code of Maryland
 40 (2008 Replacement Volume and 2011 Supplement)

1 BY repealing and reenacting, without amendments,
 2 Article – State Finance and Procurement
 3 Section 3–101
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2011 Supplement)

6 BY adding to
 7 Article – State Finance and Procurement
 8 Section 3–612 and 7–310.1
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2011 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – State Finance and Procurement
 13 Section 8–129
 14 Annotated Code of Maryland
 15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article – State Government
 18 Section 9–117(a)(1), ~~9–1604(b)(1)(vi)~~, and 12–203
 19 Annotated Code of Maryland
 20 (2009 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,
 22 Article – State Personnel and Pensions
 23 Section 21–304(a) and (b) and 21–308(a)(1)
 24 Annotated Code of Maryland
 25 (2009 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, without amendments,
 27 Article – State Personnel and Pensions
 28 Section 21–125(b) and 21–304(c)
 29 Annotated Code of Maryland
 30 (2009 Replacement Volume and 2011 Supplement)

31 BY adding to
 32 Article – State Personnel and Pensions
 33 Section 21–309.1
 34 Annotated Code of Maryland
 35 (2009 Replacement Volume and 2011 Supplement)

36 BY repealing
 37 Article – Tax – General
 38 Section 2–608(c), (d), (e), and (f), ~~8–406(b), 10–306(c), 10–704.1, 10–708, 11–202,~~
 39 ~~11–213, and 11–214.1~~

1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2011 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Tax – General
5 Section 2–1104(b)
6 Annotated Code of Maryland
7 (2010 Replacement Volume and 2011 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 4–321(e), 7–208(b–1), and 12–118(e)(2), 13–954, 21–1414, and 27–110
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)
13 (As enacted by Chapter 500 of the Acts of the General Assembly of 2009)

14 BY adding to
15 Article – Transportation
16 Section 5–415 and 21–1415
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2010 Supplement)

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

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

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

28 ~~BY repealing and reenacting, with amendments,~~
29 ~~Article – Tax – General~~
30 ~~Section 2–1104(b), 10–211(b), 10–218(b), 11–101, 11–102(a), 11–217(b),~~
31 ~~11–701(b) and 12–105(b)~~
32 ~~Annotated Code of Maryland~~
33 ~~(2010 Replacement Volume and 2011 Supplement)~~

34 ~~BY adding to~~
35 ~~Article – Tax – General~~
36 ~~Section 11–221(d) and 11–701.1~~
37 ~~Annotated Code of Maryland~~
38 ~~(2010 Replacement Volume and 2011 Supplement)~~

1 ~~BY adding to~~
 2 ~~Article – Tax – Property~~
 3 ~~Section 12-105(f)(7)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2007 Replacement Volume and 2011 Supplement)~~

6 BY repealing
 7 Article – Education
 8 Section 5-203
 9 Annotated Code of Maryland
 10 (2008 Replacement Volume and 2011 Supplement)

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

13 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

14 9-602.

15 (a) (1) Anne Arundel County may impose, by ordinance, and collect a sales
 16 or use tax on:

17 [(1)] (I) Fuels and utilities used by commercial and industrial
 18 businesses;

19 [(2)] (II) Residential, commercial, and industrial telephone service;
 20 and

21 [(3)] (III) [Space] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF
 22 THIS SUBSECTION, SPACE rentals.

23 (2) **STATE-OWNED PARKING LOTS OR GARAGES ARE NOT SUBJECT**
 24 **TO THE SALES OR USE TAX AUTHORIZED UNDER THIS SECTION.**

25 9-1105.

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

29 (1) **ALLEGANY COUNTY – \$1,632,106;**

30 (2) **BALTIMORE CITY – \$6,972,596;**

31 (3) **BALTIMORE COUNTY – \$3,000,000;**

- 1 ~~(3)~~ (4) CAROLINE COUNTY – \$685,108;
- 2 ~~(4)~~ (5) DORCHESTER COUNTY – \$308,913;
- 3 ~~(5)~~ (6) GARRETT COUNTY – \$406,400;
- 4 ~~(6)~~ (7) PRINCE GEORGE’S COUNTY – ~~\$7,628,702~~ \$9,628,702;
- 5 ~~(7)~~ (8) SOMERSET COUNTY – \$381,999; AND
- 6 ~~(8)~~ (9) WICOMICO COUNTY – \$1,567,837.

26
cont

7 Article – Commercial Law

8 ~~17-311.~~

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

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

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

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

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

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

27 ~~(e) The Administrator is not required to publish in the notice any item~~
28 ~~valued at less than \$100 unless the Administrator considers the publication to be in~~
29 ~~the public interest.]~~

3

1 ~~(A) IN THIS SECTION, "ABANDONED PROPERTY DATABASE" MEANS AN~~
2 ~~ELECTRONIC DATABASE CONTAINING THE NAMES AND LAST KNOWN~~
3 ~~ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED~~
4 ~~PROPERTY.~~

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

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

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

13 ~~(I) PROVIDES REASONABLE MEANS BY WHICH A PERSON~~
14 ~~MAY SEARCH THE ABANDONED PROPERTY DATABASE REQUIRED BY THIS~~
15 ~~SUBSECTION;~~

16 ~~(II) CONTAINS A STATEMENT THAT INFORMATION~~
17 ~~CONCERNING THE AMOUNT OR DESCRIPTION OF THE PROPERTY AND THE NAME~~
18 ~~AND ADDRESS OF THE PERSON WHO HELD THE PROPERTY MAY BE OBTAINED BY~~
19 ~~ANY PERSON WHO POSSESSES AN INTEREST IN THE PROPERTY, BY ADDRESSING~~
20 ~~AN INQUIRY TO THE ADMINISTRATOR;~~

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

23 ~~(IV) INCLUDES A LINK TO AN ABANDONED PROPERTY CLAIM~~
24 ~~FORM.~~

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

27 ~~(2) THE NOTICE SHALL:~~

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

31 ~~(II) CONTAIN:~~

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

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

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

8 Article – Courts and Judicial Proceedings

9 7-301.

10 (f) (1) This subsection does not apply to a traffic case under § 21-202.1, §
 11 21-809, or § 21-810 of the Transportation Article or to a parking or impounding case.

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

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

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

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

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

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

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

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

14 ~~Article – Economic Development~~

15 ~~10-523.~~

16 ~~(3) (i) To assist the Corporation in complying with subsection (c) of~~
 17 ~~this section, the Governor shall include each year in the State budget bill an~~
 18 ~~appropriation to the Corporation for rural business development and assistance as~~
 19 ~~follows:~~

- 20 ~~1. for EACH OF THE fiscal [year] YEARS 2011~~
- 21 ~~THROUGH 2014, \$2,750,000; AND~~
- 22 ~~2. [for fiscal year 2012, \$2,750,000;~~
- 23 ~~3. for fiscal year 2013, \$3,000,000; and~~
- 24 ~~4.] for each of THE fiscal years [2014] 2015 through~~
- 25 ~~2020, \$4,000,000.~~



26 Article – Education

27 5-101.

- 28 (b) The budget shall be prepared to include the following categories:
- 29 (4) School Construction Fund, requested appropriations:
- 30 (i) Land for school sites;
- 31 (ii) Buildings and the equipment that will be an integral part of
- 32 a building by project;

- 1 (iii) School site improvement by project;
- 2 (iv) Remodeling by project;
- 3 (v) Additional equipment by project; [and]
- 4 (vi) Debt service; AND

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

9 5-103.

10 (c) If a county council or board of county commissioners does not approve the
 11 amount requested in the budget that is more than the amount required by §
 12 5-202(d)(1)(i) of this title:

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

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

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

19 (2) The county board shall submit to the county governing body,
 20 within 30 days after the adoption of the budget, a report indicating how the alterations
 21 to the budget will be implemented, accompanied by reasonable supporting detail and
 22 analysis.

23 5-202.

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

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

29 ~~(ii) Transportation aid under § 5-205 of this subtitle;~~

1 ~~(iii) Funding for compensatory education under § 5-207 of this~~
2 ~~subtitle;~~

3 ~~(iv) Funding for students with limited English proficiency under~~
4 ~~§ 5-208 of this subtitle;~~

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

7 ~~(vi) Funding for the guaranteed tax base program under § 5-210~~
8 ~~of this subtitle; and~~

9 ~~(vii) Funding for grants provided under this subsection.~~

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

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

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

24 5-206.

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

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

- 29 ~~1~~ **(I)** Allegany County\$97,791;
- 30 ~~2~~ **(II)** Anne Arundel County.....\$506,038;
- 31 ~~3~~ **(III)** Baltimore City\$1,387,924;
- 32 ~~4~~ **(IV)** Baltimore County\$874,227;

27

28

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1	5. <u>(V)</u>	Calvert County	\$38,292;
2	6. <u>(VI)</u>	Caroline County.....	\$50,074;
3	7. <u>(VII)</u>	Carroll County	\$137,261;
4	8. <u>(VIII)</u>	Cecil County.....	\$96,024;
5	9. <u>(IX)</u>	Charles County	\$50,074;
6	10. <u>(X)</u>	Dorchester County.....	\$38,292;
7	11. <u>(XI)</u>	Frederick County.....	\$182,622;
8	12. <u>(XII)</u>	Garrett County	\$38,292;
9	13. <u>(XIII)</u>	Harford County.....	\$217,379;
10	14. <u>(XIV)</u>	Howard County.....	\$87,776;
11	15. <u>(XV)</u>	Kent County.....	\$38,292;
12	16. <u>(XVI)</u>	Montgomery County	\$602,651;
13	17. <u>(XVII)</u>	Prince George's County	\$1,209,426;
14	18. <u>(XVIII)</u>	Queen Anne's County	\$50,074;
15	19. <u>(XIX)</u>	St. Mary's County	\$50,074;
16	20. <u>(XX)</u>	Somerset County	\$38,292;
17	21. <u>(XXI)</u>	Talbot County	\$38,292;
18	22. <u>(XXII)</u>	Washington County	\$134,904;
19	23. <u>(XXIII)</u>	Wicomico County	\$106,627; and
20	24. <u>(XXIV)</u>	Worcester County	\$38,292[; and

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

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

3 (b) (9) Money in the Fund may be expended only:

4 (i) To supplement General Fund appropriations to [public
5 senior higher education institutions and] research institutes of the University System of
6 Maryland AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS;

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

10 (iii) For workforce development initiatives administered by the
11 Commission; and

12 (iv) For initiatives to address higher education needs related to
13 the United States Department of Defense Base Realignment and Closure process.

14 16–305.

15 (c) (1) (i) The total State operating fund per full–time equivalent
16 student to the community colleges for each fiscal year **OTHER THAN FISCAL YEAR**
17 **2013**, as requested by the Governor shall be:

18 1. In fiscal year 2009, not less than an amount equal to
19 26.25% of the State’s General Fund appropriation per full–time equivalent student to
20 the 4–year public institutions of higher education in the State as designated by the
21 Commission for the purpose of administering the Joseph A. Sellinger Program under
22 Title 17 of this article in the previous fiscal year;

23 2. In fiscal year 2010, not less than an amount equal to
24 23.6% of the State’s General Fund appropriation per full–time equivalent student to
25 the 4–year public institutions of higher education in the State as designated by the
26 Commission for the purpose of administering the Joseph A. Sellinger Program under
27 Title 17 of this article in the same fiscal year;

28 3. In fiscal year 2011, not less than an amount equal to
29 21.8% of the State’s General Fund appropriation per full–time equivalent student to
30 the 4–year public institutions of higher education in the State as designated by the
31 Commission for the purpose of administering the Joseph A. Sellinger Program under
32 Title 17 of this article in the same fiscal year;

33 4. In fiscal year 2012, not less than an amount equal to
34 20% of the State’s General Fund appropriation per full–time equivalent student to the

1 4-year public institutions of higher education in the State as designated by the
 2 Commission for the purpose of administering the Joseph A. Sellinger Program under
 3 Title 17 of this article in the same fiscal year;

4 [5. In fiscal year 2013, not less than an amount equal to
 5 19% of the State's General Fund appropriation per full-time equivalent student to the
 6 4-year public institutions of higher education in the State as designated by the
 7 Commission for the purpose of administering the Joseph A. Sellinger Program under
 8 Title 17 of this article in the same fiscal year;]

9 [6.] 5. In ~~EACH OF~~ fiscal ~~[year]~~ **YEARS 2014 THROUGH**
 10 ~~2017, not less than an amount equal to [19%, AN AMOUNT THAT IS THE GREATER~~
 11 ~~OF 19.3% 19.7%~~ **19.7%** of the State's General Fund appropriation per full-time equivalent
 12 student to the 4-year public institutions of higher education in the State as designated
 13 by the Commission for the purpose of administering the Joseph A. Sellinger Program
 14 under Title 17 of this article in the same fiscal year ~~1 \$1,839.43~~ **OR \$1,839.47 PER**
 15 **FULL-TIME EQUIVALENT STUDENT;**

16 ~~7.~~ 6. In fiscal year 2015, ~~not less than an amount equal to~~
 17 ~~19.5% AN AMOUNT THAT IS THE GREATER OF 18.8% 19.7%~~ **19.7%** of the State's General
 18 Fund appropriation per full-time equivalent student to the 4-year public institutions
 19 of higher education in the State as designated by the Commission for the purpose of
 20 administering the Joseph A. Sellinger Program under Title 17 of this article in the
 21 same fiscal year **OR \$1,839.47 PER FULL-TIME EQUIVALENT STUDENT;**

22 ~~8.~~ 7. In fiscal year 2016, ~~not less than an amount equal to~~
 23 ~~21% AN AMOUNT THAT IS THE GREATER OF 18.4% 19%~~ **19%** of the State's General Fund
 24 appropriation per full-time equivalent student to the 4-year public institutions of
 25 higher education in the State as designated by the Commission for the purpose of
 26 administering the Joseph A. Sellinger Program under Title 17 of this article in the
 27 same fiscal year **OR \$1,839.47 PER FULL-TIME EQUIVALENT STUDENT;**

28 ~~9.~~ 8. In fiscal year 2017, ~~not less than an amount equal to~~
 29 ~~22% AN AMOUNT THAT IS THE GREATER OF 17.9% 19%~~ **19%** of the State's General Fund
 30 appropriation per full-time equivalent student to the 4-year public institutions of
 31 higher education in the State as designated by the Commission for the purpose of
 32 administering the Joseph A. Sellinger Program under Title 17 of this article in the
 33 same fiscal year **OR \$1,839.47 PER FULL-TIME EQUIVALENT STUDENT;**

34 ~~10.] 6.~~ 9. In fiscal year 2018, not less than an amount
 35 equal to **[23%] 19.69% 19.7% 20%** of the State's General Fund appropriation per
 36 full-time equivalent student to the 4-year public institutions of higher education in
 37 the State as designated by the Commission for the purpose of administering the
 38 Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

1 [11.] ~~7.~~ 10. In fiscal year 2019, not less than an amount
2 equal to [24%] **21%** of the State’s General Fund appropriation per full-time
3 equivalent student to the 4-year public institutions of higher education in the State as
4 designated by the Commission for the purpose of administering the Joseph A.
5 Sellinger Program under Title 17 of this article in the same fiscal year;

6 [12.] ~~8.~~ 11. In fiscal year 2020, not less than an amount
7 equal to [25%] **23%** of the State’s General Fund appropriation per full-time
8 equivalent student to the 4-year public institutions of higher education in the State as
9 designated by the Commission for the purpose of administering the Joseph A.
10 Sellinger Program under Title 17 of this article in the same fiscal year;

11 [13.] ~~9.~~ 12. In fiscal year 2021, not less than an amount
12 equal to [26%] **25%** of the State’s General Fund appropriation per full-time
13 equivalent student to the 4-year public institutions of higher education in the State as
14 designated by the Commission for the purpose of administering the Joseph A.
15 Sellinger Program under Title 17 of this article in the same fiscal year;

16 [14.] ~~10.~~ 13. In fiscal year 2022, not less than an amount
17 equal to [27.5%] **27%** of the State’s General Fund appropriation per full-time
18 equivalent student to the 4-year public institutions of higher education in the State as
19 designated by the Commission for the purpose of administering the Joseph A.
20 Sellinger Program under Title 17 of this article in the same fiscal year; and

21 [15.] ~~11.~~ 14. In fiscal year 2023 and each fiscal year
22 thereafter, not less than an amount equal to 29% of the State’s General Fund
23 appropriation per full-time equivalent student to the 4-year public institutions of
24 higher education in the State as designated by the Commission for the purpose of
25 administering the Joseph A. Sellinger Program under Title 17 of this article in the
26 same fiscal year.

27 (IV) IN FISCAL YEAR 2013, THE TOTAL STATE OPERATING
28 FUNDS FOR COMMUNITY COLLEGES SHALL BE ~~\$199,172,005~~ \$199,176,114, TO
29 BE DISTRIBUTED AS FOLLOWS:

30	A. ALLEGANY COLLEGE	\$4,774,893;
31	B. ANNE ARUNDEL COMMUNITY	COLLEGE
32		\$27,245,747;
33	C. COMMUNITY COLLEGE OF BALTIMORE	COUNTY
34		\$34,411,298;
35	D. CARROLL COMMUNITY COLLEGE	\$6,854,255;

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1	E.	CECIL COMMUNITY COLLEGE.....	\$4,647,382;
2	F.	COLLEGE OF SOUTHERN	
3		MARYLAND	\$10,694,901;
4	G.	CHESAPEAKE COLLEGE	\$5,891,166;
5	H.	FREDERICK COMMUNITY COLLEGE	\$8,150,150;
6	I.	GARRETT COLLEGE	\$2,247,232;
7	J.	HAGERSTOWN COMMUNITY	
8		COLLEGE	\$6,967,783;
9	K.	HARFORD COMMUNITY COLLEGE	\$9,995,632;
10	L.	HOWARD COMMUNITY COLLEGE	\$12,589,715;
11	M.	MONTGOMERY COLLEGE	\$35,927,782;
12	N.	PRINCE GEORGE'S COMMUNITY	
13		COLLEGE	\$22,022,467; AND
14	O.	WOR WIC COMMUNITY COLLEGE	\$6,751,602.
15	<u>1.</u>	<u>ALLEGANY COLLEGE</u>	<u>\$4,773,622;</u>
16	<u>2.</u>	<u>ANNE ARUNDEL COMMUNITY</u>	
17		<u>COLLEGE</u>	<u>\$27,235,329;</u>
18	<u>3.</u>	<u>COMMUNITY COLLEGE OF BALTIMORE</u>	
19		<u>COUNTY</u>	<u>\$34,398,366;</u>
20	<u>4.</u>	<u>CARROLL COMMUNITY COLLEGE</u>	<u>\$6,851,515;</u>
21	<u>5.</u>	<u>CECIL COMMUNITY COLLEGE</u>	<u>\$4,645,751;</u>
22	<u>6.</u>	<u>COLLEGE OF SOUTHERN</u>	
23		<u>MARYLAND</u>	<u>\$10,902,580;</u>
24	<u>7.</u>	<u>CHESAPEAKE COLLEGE</u>	<u>\$5,675,815;</u>
25	<u>8.</u>	<u>FREDERICK COMMUNITY COLLEGE ...</u>	<u>\$8,145,648;</u>

- 1 **9. GARRETT COLLEGE\$2,246,709;**
- 2 **10. HAGERSTOWN COMMUNITY**
- 3 **COLLEGE\$6,965,064;**
- 4 **11. HARFORD COMMUNITY COLLEGE\$9,990,806;**
- 5 **12. HOWARD COMMUNITY COLLEGE\$12,584,485;**
- 6 **13. MONTGOMERY COLLEGE\$35,998,553;**
- 7 **14. PRINCE GEORGE’S COMMUNITY**
- 8 **COLLEGE\$22,013,074; AND**
- 9 **15. WOR-WIC COMMUNITY COLLEGE\$6,748,796.**

10 16-512.

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

14 (i) In fiscal year 2009, not less than an amount equal to 67.25%
15 of the State’s General Fund appropriation per full-time equivalent student to the
16 4-year public institutions of higher education in the State as designated by the
17 Commission for the purpose of administering the Joseph A. Sellinger Program under
18 Title 17 of this article in the previous fiscal year;

19 (ii) In fiscal year 2010, not less than an amount equal to 65.1%
20 of the State’s General Fund appropriation per full-time equivalent student to the
21 4-year public institutions of higher education in the State as designated by the
22 Commission for the purpose of administering the Joseph A. Sellinger Program under
23 Title 17 of this article in the same fiscal year;

24 (iii) In fiscal year 2011, not less than an amount equal to 65.5%
25 of the State’s General Fund appropriation per full-time equivalent student to the
26 4-year public institutions of higher education in the State as designated by the
27 Commission for the purpose of administering the Joseph A. Sellinger Program under
28 Title 17 of this article in the same fiscal year;

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

1 [(v)] In fiscal year 2013, not less than an amount equal to 63.5%
 2 of the State's General Fund appropriation per full-time equivalent student to the
 3 4-year public institutions of higher education in the State as designated by the
 4 Commission for the purpose of administering the Joseph A. Sellinger Program under
 5 Title 17 of this article in the same fiscal year;]

6 [(vi)] (V) In fiscal year 2014 ~~THROUGH FISCAL YEAR 2017,~~
 7 ~~not less than an amount equal to [64%, AN AMOUNT THAT IS THE GREATER OF~~
 8 ~~59.6% 61%~~ of the State's General Fund appropriation per full-time equivalent
 9 student to the 4-year public institutions of higher education in the State as designated
 10 by the Commission for the purpose of administering the Joseph A. Sellinger Program
 11 under Title 17 of this article in the same fiscal year] ~~\$5,695.90~~ OR \$5,695.63 PER
 12 FULL-TIME EQUIVALENT STUDENT;

13 [(vii)] (VI) In fiscal year 2015, ~~not less than an amount equal to~~
 14 ~~64.5% AN AMOUNT THAT IS THE GREATER OF 58.3% 61%~~ of the State's General
 15 Fund appropriation per full-time equivalent student to the 4-year public institutions
 16 of higher education in the State as designated by the Commission for the purpose of
 17 administering the Joseph A. Sellinger Program under Title 17 of this article in the
 18 same fiscal year OR \$5,695.63 PER FULL-TIME EQUIVALENT STUDENT;

19 [(viii)] (VII) In fiscal year 2016, ~~not less than an amount equal to~~
 20 ~~64.75% AN AMOUNT THAT IS THE GREATER OF 56.9% 58%~~ of the State's General
 21 Fund appropriation per full-time equivalent student to the 4-year public institutions
 22 of higher education in the State as designated by the Commission for the purpose of
 23 administering the Joseph A. Sellinger Program under Title 17 of this article in the
 24 same fiscal year OR \$5,695.63 PER FULL-TIME EQUIVALENT STUDENT;

25 [(ix)] (VIII) In fiscal year 2017, ~~not less than an amount equal to~~
 26 ~~65.25% AN AMOUNT THAT IS THE GREATER OF 55.6% 58%~~ of the State's General
 27 Fund appropriation per full-time equivalent student to the 4-year public institutions
 28 of higher education in the State as designated by the Commission for the purpose of
 29 administering the Joseph A. Sellinger Program under Title 17 of this article in the
 30 same fiscal year OR \$5,695.63 PER FULL-TIME EQUIVALENT STUDENT;

31 [(x)] ~~(VI)~~ (IX) In fiscal year 2018, not less than an amount
 32 equal to [65.75%] ~~59.98%~~ 60% of the State's General Fund appropriation per
 33 full-time equivalent student to the 4-year public institutions of higher education in
 34 the State as designated by the Commission for the purpose of administering the
 35 Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

36 [(xi)] ~~(VII)~~ (X) In fiscal year 2019, not less than an amount
 37 equal to [66.25%] 61% of the State's General Fund appropriation per full-time
 38 equivalent student to the 4-year public institutions of higher education in the State as

1 designated by the Commission for the purpose of administering the Joseph A.
2 Sellinger Program under Title 17 of this article in the same fiscal year;

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

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

13 [(xiv)] ~~(X)~~ **(XIII)** In fiscal year 2022, not less than an amount
14 equal to [68%] **66.5%** of the State's General Fund appropriation per full-time
15 equivalent student to the 4-year public institutions of higher education in the State as
16 designated by the Commission for the purpose of administering the Joseph A.
17 Sellinger Program under Title 17 of this article in the same fiscal year; and

18 [(xv)] ~~(XI)~~ **(XIV)** In fiscal year 2023 and each fiscal year
19 thereafter, not less than an amount equal to 68.5% of the State's General Fund
20 appropriation per full-time equivalent student to the 4-year public institutions of
21 higher education in the State as designated by the Commission for the purpose of
22 administering the Joseph A. Sellinger Program under Title 17 of this article in the
23 same fiscal year.

24 **(4) IN FISCAL YEAR 2013, THE TOTAL STATE OPERATING FUNDS**
25 **APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE UNDER THIS**
26 **SECTION SHALL BE ~~\$39,867,838~~ \$39,863,729.**

27 17-104.

28 (a) (1) Except as provided in paragraph (2) of this subsection, the
29 Maryland Higher Education Commission shall compute the amount of the annual
30 apportionment for each institution that qualifies under this subtitle by multiplying the
31 number of full-time equivalent students enrolled at the institution during the fall
32 semester of the fiscal year preceding the fiscal year for which the aid apportionment is
33 made, as determined by the Maryland Higher Education Commission by:

34 (i) In fiscal year 2009, an amount not less than 16% of the
35 State's General Fund per full-time equivalent student appropriation to the 4-year
36 public institutions of higher education in this State for the preceding fiscal year;

1 (ii) In fiscal year 2010, an amount not less than 12.85% of the
2 State's General Fund per full-time equivalent student appropriation to the 4-year
3 public institutions of higher education in the State for the same fiscal year;

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

7 (iv) In fiscal year 2012, an amount not less than 9.2% of the
8 State's General Fund per full-time equivalent student appropriation to the 4-year
9 public institutions of higher education in this State for the same fiscal year;

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

13 [(vi)] (V) In fiscal year 2014 ~~THROUGH FISCAL YEAR 2017, an~~
14 ~~amount not less than 10%,~~ AN AMOUNT THAT IS THE GREATER OF 9.2% 9.4% of
15 the State's General Fund per full-time equivalent student appropriation to the 4-year
16 public institutions of higher education in this State for the same fiscal year] OR
17 \$875.53 PER FULL-TIME EQUIVALENT STUDENT;

18 [(vii)] (VI) In fiscal year 2015, an amount ~~not less than 10.6%~~
19 THAT IS THE GREATER OF 9.0% 9.4% of the State's General Fund per full-time
20 equivalent student appropriation to the 4-year public institutions of higher education
21 in this State for the same fiscal year OR \$875.53 PER FULL-TIME EQUIVALENT
22 STUDENT;

23 [(viii)] (VII) In fiscal year 2016, an amount ~~not less than 11.1%~~
24 THAT IS THE GREATER OF 8.7% 9% of the State's General Fund per full-time
25 equivalent student appropriation to the 4-year public institutions of higher education
26 in this State for the same fiscal year OR \$875.53 PER FULL-TIME EQUIVALENT
27 STUDENT;

28 [(ix)] (VIII) In fiscal year 2017, an amount ~~not less than 12%~~
29 THAT IS THE GREATER OF 8.5% 9% of the State's General Fund per full-time
30 equivalent student appropriation to the 4-year public institutions of higher education
31 in this State for the same fiscal year OR \$875.53 PER FULL-TIME EQUIVALENT
32 STUDENT;

33 [(x)] ~~(VI)~~ (IX) In fiscal year 2018, an amount not less than
34 [13%] 9.3% of the State's General Fund per full-time equivalent student
35 appropriation to the 4-year public institutions of higher education in this State for the
36 same fiscal year;

1 [(xi)] ~~(vii)~~ (x) In fiscal year 2019, an amount not less than
 2 [14%] 11.3% of the State's General Fund per full-time equivalent student
 3 appropriation to the 4-year public institutions of higher education in this State for the
 4 same fiscal year;

5 [(xii)] ~~(viii)~~ (xi) In fiscal year 2020, an amount not less than
 6 [15%] 13.3% of the State's General Fund per full-time equivalent student
 7 appropriation to the 4-year public institutions of higher education in this State for the
 8 same fiscal year; and

9 [(xiii)] ~~(ix)~~ (xii) In fiscal year 2021 and each fiscal year
 10 thereafter, an amount not less than 15.5% of the State's General Fund per full-time
 11 equivalent student appropriation to the 4-year public institutions of higher education
 12 in this State for the same fiscal year.

13 (3) IN FISCAL YEAR 2013, THE TOTAL AMOUNT OF AID DUE TO
 14 ALL INSTITUTIONS SHALL BE ~~\$38,445,958~~ \$38,056,175.

6
cont

15 Article – Environment

16 7-604.

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

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

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

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

25 (i) Conducting:

26 1. Incident response activities;

27 2. Shelter in place and evacuation planning;

28 3. Railroad, maritime, and transportation exercises; and

29 4. Emergency response activities;

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

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

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

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

8 **(4) EMERGENCY RESPONSE ACTIVITIES OF THE DEPARTMENT.**

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

11 9-1707.

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

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

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

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

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

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

24 ~~Article – Financial Institutions~~

25 ~~13-1114.~~

26 ~~(g) (3) (IV) FOR FISCAL YEAR 2013 ONLY, AN ADDITIONAL~~
27 ~~\$1,150,000 OF PROGRAM OPEN SPACE FUNDS TRANSFERRED TO THE~~
28 ~~AUTHORITY MAY BE USED TO PAY OPERATING EXPENSES IN THE DEPARTMENT~~
29 ~~OF PLANNING.~~

30 **Article – Health – General**

1 ~~4-217.~~

2 ~~(e) (1) Except as otherwise provided by law:~~

3 ~~(i) [The Department shall collect a \$12 fee:~~

4 ~~1. For each certified or abridged copy of a death, fetal~~
5 ~~death, marriage, or divorce verification certificate;~~

6 ~~2. For a report that a search of the death, fetal death,~~
7 ~~marriage, or divorce verification certificate files was made and the requested record is~~
8 ~~not on file;~~

9 ~~3. For each change to a death, fetal death, marriage, or~~
10 ~~divorce verification certificate made later than one year after the certificate has been~~
11 ~~registered with the Department; or~~

12 ~~4. To process an adoption, foreign adoption, or~~
13 ~~legitimation; and~~

14 ~~(ii) The Department shall collect a \$24 fee:~~

15 ~~1. For each certified or abridged copy of a birth, FETAL~~
16 ~~DEATH, MARRIAGE, OR BIRTH RESULTING IN STILLBIRTH certificate;~~

17 ~~2. FOR THE FIRST COPY OF A CERTIFIED OR~~
18 ~~ABRIDGED DEATH CERTIFICATE ISSUED IN A SINGLE TRANSACTION;~~

19 ~~3. For a report that a search of the birth, DEATH, FETAL~~
20 ~~DEATH, OR MARRIAGE certificate files was made and the requested record is not on~~
21 ~~file; [or]~~

22 ~~[3.] 4. For each change to a birth, DEATH, FETAL~~
23 ~~DEATH, OR MARRIAGE certificate made later than 1 year after the certificate has~~
24 ~~been registered with the Department; OR~~

25 ~~5. TO PROCESS AN ADOPTION, A FOREIGN~~
26 ~~ADOPTION, OR A LEGITIMATION; AND~~

27 ~~(H) THE DEPARTMENT SHALL COLLECT A \$12 FEE:~~

28 ~~1. FOR EACH ADDITIONAL CERTIFIED OR ABRIDGED~~
29 ~~COPY OF A DEATH CERTIFICATE PROVIDED CONCURRENTLY WITH AN INITIAL~~
30 ~~REQUESTED DEATH CERTIFICATE; OR~~

1 ~~(4) PROVIDING GRANTS CONSISTENT WITH THE PURPOSE OF~~
2 ~~THIS TITLE.~~

3 ~~(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN~~
4 ~~ACCORDANCE WITH THE STATE BUDGET.~~

5 ~~14-207.~~

6 ~~(A) THE DEPARTMENT MAY IMPOSE AN ASSESSMENT ON EACH DAY~~
7 ~~CARE CENTER FOR THE ELDERLY.~~

8 ~~(B) THE AMOUNT ASSESSED ON ALL DAY CARE CENTERS FOR THE~~
9 ~~ELDERLY MAY NOT EXCEED 5.5% OF THE TOTAL OPERATING REVENUE FOR ALL~~
10 ~~DAY CARE CENTERS FOR THE ELDERLY FOR THE PREVIOUS FISCAL QUARTER.~~

11 ~~(C) ON OR BEFORE THE 60TH DAY AFTER EACH QUARTER OF THE~~
12 ~~FISCAL YEAR, EACH DAY CARE CENTER FOR THE ELDERLY SHALL PAY TO THE~~
13 ~~DEPARTMENT AN AMOUNT DETERMINED BY THE DEPARTMENT BASED ON AN~~
14 ~~AMOUNT PER NON-MEDICARE DAY OF SERVICE PROVIDED BY THE DAY CARE~~
15 ~~CENTER FOR THE ELDERLY FOR THE PREVIOUS FISCAL QUARTER.~~

16 ~~(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT~~
17 ~~THIS SECTION.~~

18 ~~14-305.~~

19 ~~(A) THE DEPARTMENT MAY IMPOSE AN ASSESSMENT ON EACH DAY~~
20 ~~CARE CENTER FOR ADULTS.~~

21 ~~(B) THE AMOUNT ASSESSED ON ALL DAY CARE CENTERS FOR ADULTS~~
22 ~~MAY NOT EXCEED 5.5% OF THE TOTAL OPERATING REVENUE FOR ALL DAY CARE~~
23 ~~CENTERS FOR ADULTS FOR THE PREVIOUS FISCAL QUARTER.~~

24 ~~(C) ON OR BEFORE THE 60TH DAY AFTER EACH QUARTER OF THE~~
25 ~~FISCAL YEAR, EACH DAY CARE CENTER FOR ADULTS SHALL PAY TO THE~~
26 ~~DEPARTMENT AN AMOUNT DETERMINED BY THE DEPARTMENT BASED ON AN~~
27 ~~AMOUNT PER NONMEDICARE DAY OF SERVICE PROVIDED BY THE DAY CARE~~
28 ~~CENTER FOR ADULTS FOR THE PREVIOUS FISCAL QUARTER.~~

29 ~~(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT~~
30 ~~THIS SECTION.~~

31 ~~4-217.~~

1 (c) (1) Except as otherwise provided by law:

2 (i) [The Department shall collect a \$12 fee:

3 1. For each certified or abridged copy of a death, fetal
4 death, marriage, or divorce verification certificate;

5 2. For a report that a search of the death, fetal death,
6 marriage, or divorce verification certificate files was made and the requested record is
7 not on file;

8 3. For each change to a death, fetal death, marriage, or
9 divorce verification certificate made later than one year after the certificate has been
10 registered with the Department; or

11 4. To process an adoption, foreign adoption, or
12 legitimation; and

13 (ii) The Department shall collect a \$24 fee:

14 1. For each certified or abridged copy of a birth, FETAL
15 DEATH, MARRIAGE, OR BIRTH RESULTING IN STILLBIRTH certificate;

16 2. FOR THE FIRST COPY OF A CERTIFIED OR
17 ABRIDGED DEATH CERTIFICATE ISSUED IN A SINGLE TRANSACTION;

18 3. For a report that a search of the birth, DEATH, FETAL
19 DEATH, OR MARRIAGE certificate files was made and the requested record is not on
20 file; [or]

21 [3.] 4. For each change to a birth, DEATH, FETAL
22 DEATH, OR MARRIAGE certificate made later than 1 year after the certificate has been
23 registered with the Department; OR

24 5. TO PROCESS AN ADOPTION, A FOREIGN
25 ADOPTION, OR A LEGITIMATION; AND

26 (II) THE DEPARTMENT SHALL COLLECT A \$12 FEE:

27 1. FOR EACH ADDITIONAL CERTIFIED OR ABRIDGED
28 COPY OF A DEATH CERTIFICATE PROVIDED CONCURRENTLY WITH AN INITIAL
29 REQUESTED DEATH CERTIFICATE; OR

30 2. FOR EACH DIVORCE VERIFICATION.

1 15-102.8.

2 ~~(A) IF THE NUMBER OF PROGRAM RECIPIENTS ENROLLED IN A~~
 3 ~~MANAGED CARE ORGANIZATION EXCEEDS 10% OF THE TOTAL NUMBER OF~~
 4 ~~PROGRAM RECIPIENTS, THE MANAGED CARE ORGANIZATION SHALL:~~

5 ~~(1) OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL~~
 6 ~~JURISDICTIONS OF THE STATE; OR~~

7 ~~(2) REMIT TO THE PROGRAM:~~

8 ~~(I) \$1,500,000 ON OR BEFORE JUNE 1 OF THE CALENDAR~~
 9 ~~YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO OPERATE~~
 10 ~~WITHOUT RESTRICTED ENROLLMENT; AND~~

11 ~~(II) \$1,500,000 ON OR BEFORE DECEMBER 1 OF THE~~
 12 ~~CALENDAR YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO~~
 13 ~~OPERATE WITHOUT RESTRICTED ENROLLMENT.~~

14 ~~(B) IF MONEY IS REMITTED TO THE PROGRAM UNDER SUBSECTION~~
 15 ~~(A)(2) OF THIS SECTION, THE DEPARTMENT SHALL USE THE MONEY TO FUND~~
 16 ~~THE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS MADE BY THE~~
 17 ~~DEPARTMENT UNDER COMAR 10.09.65.19-3.~~

18 (A) (1) THE DEPARTMENT SHALL MAKE STATEWIDE RURAL
 19 ENROLLMENT SUPPLEMENTAL PAYMENTS UNDER COMAR 10.09.65.19-3 TO A
 20 MANAGED CARE ORGANIZATION IF THE MANAGED CARE ORGANIZATION:

21 (I) IS PREVENTED FROM OPERATING WITHOUT RESTRICTED
 22 ENROLLMENT IN ALL JURISDICTIONS OF THE STATE BECAUSE A PROVIDER WITH
 23 A DIRECT OR INDIRECT INTEREST IN ANOTHER MANAGED CARE ORGANIZATION
 24 REFUSES TO CONTRACT WITH THE MANAGED CARE ORGANIZATION; AND

25 (II) HAS MADE A GOOD FAITH EFFORT TO CONTRACT WITH
 26 THE PROVIDER THAT REFUSES TO CONTRACT WITH THE MANAGED CARE
 27 ORGANIZATION AND OTHER PROVIDERS IN ORDER TO OPERATE WITHOUT
 28 RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE.

29 (2) THE DEPARTMENT SHALL DETERMINE WHETHER A MANAGED
 30 CARE ORGANIZATION MEETS THE GOOD FAITH REQUIREMENT OF PARAGRAPH
 31 (1)(II) OF THIS SUBSECTION.

1 **(B) THE DEPARTMENT MAY NOT MAKE STATEWIDE RURAL ENROLLMENT**
 2 **SUPPLEMENTAL PAYMENTS UNDER COMAR 10.09.65.19-3 TO A MANAGED CARE**
 3 **ORGANIZATION IF:**

4 **(1) A PROVIDER HAS A DIRECT OR INDIRECT INTEREST IN THE**
 5 **MANAGED CARE ORGANIZATION; AND**

6 **(2) THE DEPARTMENT DETERMINES THAT THE PROVIDER HAS**
 7 **FAILED TO MAKE A GOOD FAITH EFFORT TO CONTRACT WITH ANOTHER**
 8 **MANAGED CARE ORGANIZATION WHICH HAS RESULTED IN THE MANAGED CARE**
 9 **ORGANIZATION BEING UNABLE TO OPERATE WITHOUT RESTRICTED**
 10 **ENROLLMENT IN ALL JURISDICTIONS OF THE STATE.**

11 15-117.

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

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

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

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

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

28 **[(ii)] (2)** Notwithstanding any rule or regulation, a leave of
 29 absence is not subject to any requirement that it may not exceed a particular number
 30 of days a visit, except that the leave of absence may not exceed a total of 18 days
 31 during any calendar year.

32 19-214.

33 (b) The Commission may adopt regulations establishing alternative methods
 34 for financing the reasonable total costs of hospital uncompensated care **AND THE**

1 **DISPROPORTIONATE SHARE HOSPITAL PAYMENT** provided that the alternative
2 methods:

3 (1) Are in the public interest;

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

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

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

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

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

17 19-310.1.

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

21 **Article – Insurance**

22 14-106.

23 (d) (1) Notwithstanding subsection (c) of this section, a nonprofit health
24 service plan that is subject to this section and issues comprehensive health care
25 benefits in the State shall:

26 (i) offer health care products in the individual market;

27 (ii) offer health care products in the small employer group
28 market in accordance with Title 15, Subtitle 12 of this article;

29 (iii) subsidize the Senior Prescription Drug Assistance Program
30 established under Subtitle 5, Part II of this title;

1 (iv) subsidize the Kidney Disease Program under Title 13,
2 Subtitle 3 of the Health – General Article; [and]

3 (v) support the costs of the Community Health Resources
4 Commission under Title 19, Subtitle 21 of the Health – General Article, including:

5 1. operating grants to community health resources;

6 2. funding for a unified data information system;

7 3. the documented direct costs of fulfilling the statutory
8 and regulatory duties of the Commission; and

9 4. the administrative costs of the Commission; AND

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

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

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

21 1. \$3,000,000 for each of fiscal years 2012 and 2013; and

22 2. \$8,000,000 for fiscal year 2014 and each fiscal year
23 thereafter.

24 (3) For any year, the subsidy and funding required under this
25 subsection by a nonprofit health service plan subject to this section may not exceed the
26 value of the nonprofit health service plan's premium tax exemption under § 6–101(b)
27 of this article.

28 14–106.1.

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

31 (1) the Community Health Resources Commission Fund established
32 under § 19–2201 of the Health – General Article to support the costs of the

1 Community Health Resources Commission as provided in § 14–106(d)(1)(v) of this
2 subtitle; [and]

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

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

8 14–504.

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

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

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

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

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

22 **Article – Labor and Employment**

23 **[10–127.**

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

26 (1) as the General Assembly provides; or

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

29 **10–127.**

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

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

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

8 **(D) THE FUND MAY NOT BE DISSOLVED.**

9 **Article – State Finance and Procurement**

10 **3-101.**

11 **(a) In this title the following words have the meanings indicated.**

12 **(b) “Department” means the Department of Budget and Management.**

13 **(c) “Secretary” means the Secretary of Budget and Management.**

14 **3-612.**

15 **(A) THE GENERAL ASSEMBLY FINDS THAT THE EXISTING FUNDING,**
 16 **PERSONNEL, AND TECHNOLOGY SUPPORTING THE DEPARTMENT OF GENERAL**
 17 **SERVICES FACILITY RENEWAL AND MAINTENANCE PROGRAMS IS INADEQUATE**
 18 **TO EFFICIENTLY AND EFFECTIVELY OPERATE STATE PREVENTIVE**
 19 **MAINTENANCE AND REPAIR PROGRAMS.**

20 **(B) TO IMPROVE THE REGULAR MAINTENANCE AND REPAIR OF STATE**
 21 **FACILITIES AND REDUCE THE DETERIORATION OF PUBLIC IMPROVEMENTS THAT**
 22 **RESULTS IN INCREASED REPAIR OR CONSTRUCTION OF ENTIRELY NEW**
 23 **REPLACEMENT FACILITIES, THE DEPARTMENT, IN COORDINATION WITH THE**
 24 **DEPARTMENT OF GENERAL SERVICES, SHALL TAKE THE ACTIONS NECESSARY**
 25 **TO ALLOCATE SUFFICIENT FUNDS AND PERSONNEL TO ADMINISTER A**
 26 **COMPREHENSIVE AND CONTINUING PROGRAM OF MAINTENANCE AND REPAIR OF**
 27 **PUBLIC IMPROVEMENTS SUPPORTED THROUGH THE FACILITY MAINTENANCE**
 28 **AND RENEWAL FUND UNDER SUBSECTION (G) OF THIS SECTION.**

29 **(C) TO SUPPORT THE DEPARTMENT OF GENERAL SERVICES FACILITY**
 30 **MAINTENANCE AND RENEWAL PROGRAMS, FOR FISCAL YEAR 2014 AND**
 31 **ANNUALLY THEREAFTER, THE DEPARTMENT SHALL ESTABLISH A STATEWIDE**

1 SUBJECT FOR THE PURPOSE OF CHARGING BACK TO EACH FUND ACCOUNT OF
2 THE STATE AGENCIES:

3 (1) THE COST OF ONGOING CRITICAL MAINTENANCE AND
4 FACILITY RENEWAL;

5 (2) THE PERSONNEL COST FOR A DEPARTMENT OF GENERAL
6 SERVICES FACILITY RENEWAL ASSESSMENT TEAM; AND

7 (3) THE COST OF PURCHASING AND MAINTAINING A
8 COMPUTERIZED LIFE-CYCLE FACILITY MAINTENANCE MANAGEMENT SYSTEM OR
9 OTHER COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO
10 CARRY OUT THE PROVISIONS OF THIS SECTION.

11 (D) COSTS SHALL BE ALLOCATED TO EACH AGENCY FOR WHICH THE
12 DEPARTMENT OF GENERAL SERVICES PROVIDES FACILITY MAINTENANCE AND
13 FACILITY RENEWAL SERVICES THROUGH AN ANNUAL SQUARE FOOT ASSESSMENT
14 CHARGE FOR CRITICAL MAINTENANCE AND RENEWAL BASED IN THE CURRENT
15 ANNUAL SQUARE FOOTAGE RENT CALCULATION FOR EACH STATE-OWNED
16 FACILITY.

17 (E) (1) FOR FISCAL YEAR 2014, THE GOVERNOR SHALL INCLUDE IN
18 THE STATE BUDGET, THROUGH THE MECHANISM ESTABLISHED IN THIS
19 SECTION, A CHARGE BACK OF NOT LESS THAN \$30,000,000 FROM ALL FUND
20 SOURCES.

21 (2) THE DEPARTMENT SHALL:

22 (I) ACCOUNT SEPARATELY FOR FUNDS USED FOR THE
23 PURCHASE OF A COMPUTERIZED LIFE-CYCLE ACCOUNTING SYSTEM OR OTHER
24 COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO CARRY OUT
25 THE PROVISIONS OF THIS SECTION; AND

26 (II) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, REPORT
27 TO THE BUDGET AND TAXATION COMMITTEE AND APPROPRIATIONS
28 COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
29 ARTICLE, ON THE FUNDS USED FOR THE PURCHASE OF A COMPUTERIZED LIFE-
30 CYCLE ACCOUNTING SYSTEM OR OTHER COMPUTER SYSTEM UPGRADES
31 DETERMINED TO BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
32 SECTION.

33 (F) FOR FISCAL YEAR 2015 AND ANNUALLY THEREAFTER, THE
34 GOVERNOR SHALL INCLUDE IN THE STATE BUDGET THROUGH THE MECHANISM

1 ESTABLISHED IN THIS SECTION A CHARGE BACK OF NOT LESS THAN \$20,000,000
2 FROM ALL FUND SOURCES TO BE ADJUSTED ANNUALLY FOR INFLATION AS
3 MEASURED BY THE CONSUMER PRICE INDEX.

4 (G) (1) THERE IS A FACILITY MAINTENANCE AND REPAIR FUND.

5 (2) THE PURPOSE OF THE FUND IS TO PROVIDE SUPPORT FOR
6 THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

7 (3) THE SECRETARY OF GENERAL SERVICES SHALL ADMINISTER
8 THE FUND.

9 (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS
10 NOT SUBJECT TO § 7-302 OF THIS ARTICLE.

11 (II) THE STATE TREASURER SHALL HOLD THE FUND
12 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

13 (5) THE FUND CONSISTS OF:

14 (I) MONEY APPROPRIATED TO THE FUND:

15 1. IN THE ANNUAL BUDGET; OR

16 2. IN THE ANNUAL MARYLAND CONSOLIDATED
17 CAPITAL BOND LOAN ACT;

18 (II) UNSPENT PROCEEDS OF AN ENABLING ACT ALLOCATED
19 TO THE FUND BY THE GOVERNOR UNDER § 8-129 OF THIS ARTICLE; OR

20 (III) THE AMOUNT OF AN APPROPRIATION IN AN ANNUAL
21 MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT THAT IS IN EXCESS OF
22 THE AMOUNT NEEDED FOR A PROJECT INCLUDED IN THE ACT AND THAT IS
23 ALLOCATED TO THE FUND.

24 (6) THE FUND MAY BE USED ONLY FOR FACILITY MAINTENANCE
25 AND FACILITY RENEWAL PROJECTS ADMINISTERED BY THE DEPARTMENT OF
26 GENERAL SERVICES AT STATE-OWNED FACILITIES.

27 (7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF
28 THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 (II) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE
 2 CREDITED TO THE GENERAL FUND OF THE STATE.

3 (8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
 4 ACCORDANCE WITH THE STATE BUDGET OR THE ANNUAL MARYLAND
 5 CONSOLIDATED CAPITAL BOND LOAN ACT.

6 (H) ON OR BEFORE JULY 1, 2013, AND EACH JULY 1 THEREAFTER, THE
 7 SECRETARY AND THE SECRETARY OF GENERAL SERVICES SHALL SUBMIT A
 8 REPORT, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
 9 GENERAL ASSEMBLY ON:

10 (1) MONEY APPROPRIATED TO THE FUND;

11 (2) MONEY AUTHORIZED FOR EXPENDITURE FROM THE FUND;

12 AND

13 (3) THE BACKLOG OF FACILITY RENEWAL MAINTENANCE AND
 14 FACILITY RENEWAL PROJECTS, INCLUDING THE CHANGE IN THE BACKLOG
 15 COMPARED TO THE PRIOR FISCAL YEAR.

16 8-129.

17 (a) With the approval of the Board, the Governor shall dispose of unspent
 18 proceeds of an enabling act within 1 year after the termination of the State debt
 19 authorization under § 8-128 of this subtitle.

20 (b) The Governor shall:

21 (1) use the proceeds to reduce State debt authorizations, as provided in
 22 § 8-126 (b) through (d) of this subtitle;

23 (2) allocate the proceeds to the Construction Contingency Fund, as
 24 provided in § 3-609 of this article; [or]

25 (3) order the proceeds to be credited to the Annuity Bond Fund, to pay
 26 the outstanding bonded indebtedness of the State; OR

27 (4) ALLOCATE THE PROCEEDS TO THE FACILITY MAINTENANCE
 28 AND RENEWAL FUND, AS PROVIDED IN § 3-612 OF THIS SUBTITLE.

29 (c) The Board shall enforce the provisions of this section.

30 7-310.1.

1 A. ~~[\$125] \$150 for an appeal of a driver's license~~
 2 ~~suspension or revocation related to a violation of the Maryland Vehicle Law; and~~

3 B. ~~\$50 for all other types of appeals; and~~

4 ~~2. to process a subpoena, a fee not exceeding \$5.~~

5 12-203.

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

10 Article – State Personnel and Pensions

11 21-125.

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

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

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

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

22 21-304.

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

24 ~~(2) “AGGREGATE ANNUAL EARNABLE COMPENSATION” MEANS AN~~
 25 ~~AMOUNT BASED ON THE AGGREGATE ANNUAL SALARY PAYABLE TO~~

26 (2) (I) WITH RESPECT TO LOCAL EMPLOYEES, “AGGREGATE
 27 ANNUAL EARNABLE COMPENSATION” MEANS THE TOTAL ANNUAL EARNABLE
 28 COMPENSATION PAYABLE BY A LOCAL EMPLOYER TO ALL OF ITS LOCAL
 29 EMPLOYEES, CALCULATED AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR
 30 BEFORE THE FISCAL YEAR FOR WHICH THE CALCULATION IS MADE UNDER THIS
 31 SECTION.

1 **(II) “AGGREGATE ANNUAL EARNABLE COMPENSATION”**
 2 **INCLUDES ANY ACTUARIAL ASSUMED SALARY INCREASES THAT WERE USED IN**
 3 **THE ACTUARIAL VALUATION PREPARED UNDER § 21-125(B) OF THIS TITLE FOR**
 4 **THE IMMEDIATE PRIOR FISCAL YEAR.**

5 **[(2)] (3)** “Preliminary funding rate” means the sum of:

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

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

11 **[(3)] (4)** “Funding ratio for the employees’ systems” means the
 12 actuarial value of assets for the employees’ systems divided by the actuarial accrued
 13 liability for the employees’ systems.

14 **[(4)] (5)** “Funding ratio for the teachers’ systems” means the
 15 actuarial value of assets for the teachers’ systems divided by the actuarial accrued
 16 liability for the teachers’ systems.

17 **(6) “LOCAL EMPLOYEE” MEANS A MEMBER OF THE TEACHERS’**
 18 **RETIREMENT SYSTEM OR THE TEACHERS’ PENSION SYSTEM WHO IS:**

19 ~~(H)~~ **AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER**
 20 **THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE**
 21 **BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:**

22 ~~1.~~ **(I)** A CLERK;

23 ~~2.~~ **(II)** A HELPING TEACHER;

24 ~~3.~~ **(III)** A PRINCIPAL;

25 ~~4.~~ **(IV)** A SUPERINTENDENT;

26 ~~5.~~ **(V)** A SUPERVISOR; OR

27 ~~6.~~ **(VI)** A TEACHER~~;~~.

28 ~~(H) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY~~
 29 ~~THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR~~

1 ~~(H) A MEMBER OF THE FACULTY OR A PROFESSIONAL OR~~
 2 ~~CLERICAL EMPLOYEE OF A COMMUNITY COLLEGE, OTHER THAN BALTIMORE~~
 3 ~~CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION~~
 4 ~~ARTICLE.~~

5 (7) “LOCAL EMPLOYER” MEANS A COUNTY BOARD OF EDUCATION
 6 OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

7 [(5)] ~~(7)~~ (8) “State member” does not include a member on whose behalf
 8 a participating governmental unit is required to make an employer contribution under
 9 § 21–305 or § 21–306 of this subtitle.

10 ~~(8)~~ (9) “TOTAL EMPLOYER CONTRIBUTION FOR LOCAL
 11 EMPLOYEES” MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION
 12 CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE
 13 TO ~~THE ALL LOCAL EMPLOYEES OF EACH COUNTY.~~

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

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

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

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

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

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

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

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

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

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

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

9 (4) (I) SUBJECT TO § 21-309.1 OF THIS SUBTITLE, BEGINNING
10 ON JULY 1, ~~2013~~ 2012 AND EACH FISCAL YEAR THEREAFTER, EACH COUNTY
11 LOCAL EMPLOYER SHALL PAY TO THE APPROPRIATE ACCUMULATION FUND AN
12 AMOUNT EQUAL TO THE LOCAL SHARE OF THE TOTAL EMPLOYER
13 CONTRIBUTION FOR LOCAL EMPLOYEES OF THAT COUNTY. AS PROVIDED IN
14 THIS PARAGRAPH.

15 (II) FOR FISCAL YEARS 2013 THROUGH ~~2016~~ 2015, EACH
16 LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE,
17 WHICH SHALL BE EQUAL TO THE FOLLOWING AMOUNTS:

18	<u>LOCAL</u>	<u>FISCAL</u>	<u>FISCAL</u>	<u>FISCAL</u>	<u>FISCAL</u>
19	<u>EMPLOYER</u>	<u>YEAR</u>	<u>YEAR</u>	<u>YEAR</u>	<u>YEAR</u>
20		<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
21	<u>ALLEGANY</u>	<u>743,871</u>	<u>1,450,580</u>	<u>2,128,645</u>	<u>2,773,677</u>
22	<u>ANNE ARUNDEL</u>	<u>5,746,842</u>	<u>11,206,590</u>	<u>16,445,043</u>	<u>21,428,297</u>
23	<u>BALTIMORE CITY</u>	<u>6,461,431</u>	<u>12,600,071</u>	<u>18,489,897</u>	<u>24,092,793</u>
24	<u>BALTIMORE</u>	<u>7,877,901</u>	<u>15,362,248</u>	<u>22,543,237</u>	<u>29,374,395</u>
25	<u>CALVERT</u>	<u>1,417,969</u>	<u>2,765,101</u>	<u>4,057,630</u>	<u>5,287,193</u>
26	<u>CAROLINE</u>	<u>396,967</u>	<u>774,103</u>	<u>1,135,953</u>	<u>1,480,175</u>
27	<u>CARROLL</u>	<u>2,002,891</u>	<u>3,905,724</u>	<u>5,731,431</u>	<u>7,468,196</u>
28	<u>CECIL</u>	<u>1,229,909</u>	<u>2,398,376</u>	<u>3,519,483</u>	<u>4,585,973</u>
29	<u>CHARLES</u>	<u>1,968,258</u>	<u>3,838,189</u>	<u>5,632,327</u>	<u>7,339,061</u>
30	<u>DORCHESTER</u>	<u>328,271</u>	<u>640,143</u>	<u>939,375</u>	<u>1,224,028</u>
31	<u>FREDERICK</u>	<u>2,946,731</u>	<u>5,746,252</u>	<u>8,432,303</u>	<u>10,987,499</u>
32	<u>GARRETT</u>	<u>332,357</u>	<u>648,110</u>	<u>951,066</u>	<u>1,239,262</u>
33	<u>HARFORD</u>	<u>2,764,870</u>	<u>5,391,617</u>	<u>7,911,896</u>	<u>10,309,396</u>
34	<u>HOWARD</u>	<u>4,910,533</u>	<u>9,575,752</u>	<u>14,051,879</u>	<u>18,309,945</u>
35	<u>KENT</u>	<u>183,073</u>	<u>357,001</u>	<u>523,879</u>	<u>682,628</u>
36	<u>MONTGOMERY</u>	<u>13,613,776</u>	<u>26,547,453</u>	<u>38,956,900</u>	<u>50,761,802</u>
37	<u>PRINCE GEORGE'S</u>	<u>9,777,290</u>	<u>19,066,138</u>	<u>27,978,489</u>	<u>36,456,662</u>

1	<u>QUEEN ANNE'S</u>	<u>552,763</u>	<u>1,077,912</u>	<u>1,581,776</u>	<u>2,061,093</u>
2	<u>ST. MARY'S</u>	<u>1,242,849</u>	<u>2,423,608</u>	<u>3,556,510</u>	<u>4,634,220</u>
3	<u>SOMERSET</u>	<u>240,062</u>	<u>468,131</u>	<u>686,956</u>	<u>895,121</u>
4	<u>TALBOT</u>	<u>314,228</u>	<u>612,758</u>	<u>899,189</u>	<u>1,171,665</u>
5	<u>WASHINGTON</u>	<u>1,547,056</u>	<u>3,016,827</u>	<u>4,427,024</u>	<u>5,768,522</u>
6	<u>WICOMICO</u>	<u>1,086,797</u>	<u>2,119,301</u>	<u>3,109,955</u>	<u>4,052,348</u>
7	<u>WORCESTER</u>	<u>635,780</u>	<u>1,239,799</u>	<u>1,819,336</u>	<u>2,370,640</u>

8		<u>FISCAL</u>	<u>FISCAL</u>	<u>FISCAL</u>	
9	<u>LOCAL</u>	<u>YEAR</u>	<u>YEAR</u>	<u>YEAR</u>	
10	<u>EMPLOYER</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	

11	<u>ALLEGANY</u>	<u>1,487,742</u>	<u>2,175,870</u>	<u>2,838,194</u>	
12	<u>ANNE ARUNDEL</u>	<u>11,493,684</u>	<u>16,809,886</u>	<u>21,926,724</u>	
13	<u>BALTIMORE CITY</u>	<u>12,922,862</u>	<u>18,900,106</u>	<u>24,653,196</u>	
14	<u>BALTIMORE</u>	<u>15,755,802</u>	<u>23,043,371</u>	<u>30,057,650</u>	
15	<u>CALVERT</u>	<u>2,835,938</u>	<u>4,147,651</u>	<u>5,410,174</u>	
16	<u>CAROLINE</u>	<u>793,934</u>	<u>1,161,155</u>	<u>1,514,604</u>	
17	<u>CARROLL</u>	<u>4,005,782</u>	<u>5,858,585</u>	<u>7,641,907</u>	
18	<u>CECIL</u>	<u>2,459,819</u>	<u>3,597,564</u>	<u>4,692,644</u>	
19	<u>CHARLES</u>	<u>3,936,516</u>	<u>5,757,283</u>	<u>7,509,769</u>	
20	<u>DORCHESTER</u>	<u>656,543</u>	<u>960,215</u>	<u>1,252,500</u>	
21	<u>FREDERICK</u>	<u>5,893,461</u>	<u>8,619,378</u>	<u>11,243,071</u>	
22	<u>GARRETT</u>	<u>664,714</u>	<u>972,166</u>	<u>1,268,088</u>	
23	<u>HARFORD</u>	<u>5,529,741</u>	<u>8,087,426</u>	<u>10,549,195</u>	
24	<u>HOWARD</u>	<u>9,821,066</u>	<u>14,363,628</u>	<u>18,735,839</u>	
25	<u>KENT</u>	<u>366,147</u>	<u>535,502</u>	<u>698,506</u>	
26	<u>MONTGOMERY</u>	<u>27,227,553</u>	<u>39,821,180</u>	<u>51,942,533</u>	
27	<u>PRINCE GEORGE'S</u>	<u>19,554,579</u>	<u>28,599,207</u>	<u>37,304,652</u>	
28	<u>QUEEN ANNE'S</u>	<u>1,105,527</u>	<u>1,616,869</u>	<u>2,109,035</u>	
29	<u>ST. MARY'S</u>	<u>2,485,697</u>	<u>3,635,413</u>	<u>4,742,013</u>	
30	<u>SOMERSET</u>	<u>480,124</u>	<u>702,197</u>	<u>915,942</u>	
31	<u>TALBOT</u>	<u>628,456</u>	<u>919,138</u>	<u>1,198,918</u>	
32	<u>WASHINGTON</u>	<u>3,094,113</u>	<u>4,525,240</u>	<u>5,902,699</u>	
33	<u>WICOMICO</u>	<u>2,173,593</u>	<u>3,178,951</u>	<u>4,146,607</u>	
34	<u>WORCESTER</u>	<u>1,271,561</u>	<u>1,859,699</u>	<u>2,425,781</u>	

35 (III) BEGINNING IN FISCAL YEAR 2017 2016, EACH LOCAL
 36 EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE EQUAL
 37 TO THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT
 38 SYSTEM AND THE TEACHERS' PENSION SYSTEM MULTIPLIED BY THE
 39 AGGREGATE ANNUAL EARNABLE COMPENSATION OF THE LOCAL EMPLOYEES OF
 40 THAT LOCAL EMPLOYER.

12
cont

1 **(5) THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER**
 2 **CONTRIBUTION FOR LOCAL EMPLOYEES AND THE LOCAL SHARE OF THE TOTAL**
 3 **EMPLOYER CONTRIBUTION FOR ALL LOCAL EMPLOYEES ~~FOR EACH COUNTY~~**
 4 **SHALL BE THE OBLIGATION OF THE STATE.**

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

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

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

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

14 21-308.

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

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

22 (ii) provide to the Secretary of Budget and Management a
 23 statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER §**
 24 **21-304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers'
 25 Pension System expressed as a percentage of the payroll of all members of those State
 26 systems.

27 **21-309.1.**

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

30 ~~**(2) "LOCAL CONTRIBUTION RATE" MEANS THE RATE THAT WHEN**~~
 31 ~~**ADDED TO THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION**~~
 32 ~~**REQUIRED BY FEDERAL LAW EQUALS ONE HALF THE SUM OF:**~~

1 ~~(I) THE TEACHERS' SYSTEMS CONTRIBUTION RATE FOR~~
2 ~~THE FISCAL YEAR DETERMINED UNDER § 21-304(F) OF THIS SUBTITLE; AND~~

3 ~~(II) THE RATE OF THE EMPLOYER SOCIAL SECURITY~~
4 ~~CONTRIBUTION REQUIRED BY FEDERAL LAW.~~

5 ~~(3) (2)~~ “LOCAL EMPLOYEE” HAS THE MEANING STATED IN §
6 21-304 OF THIS SUBTITLE.

7 ~~(4) “REINVESTED SAVINGS” MEANS THE PORTION OF THE~~
8 ~~AMOUNT PROVIDED FOR IN § 21-308(A)(1)(II) OF THIS SUBTITLE THAT IS~~
9 ~~ATTRIBUTABLE TO THE LOCAL EMPLOYEES OF THE TEACHERS' RETIREMENT~~
10 ~~SYSTEM AND THE TEACHERS' PENSION SYSTEM BASED ON EARNABLE~~
11 ~~COMPENSATION.~~

12 (3) “LOCAL EMPLOYER” HAS THE MEANING STATED IN § 21-304
13 OF THIS SUBTITLE.

14 ~~(B) (1) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD OF~~
15 ~~TRUSTEES SHALL ESTABLISH THE LOCAL CONTRIBUTION RATE AND~~
16 ~~REINVESTED SAVINGS AMOUNT FOR THE NEXT FISCAL YEAR AS PROVIDED IN~~
17 ~~THIS SUBSECTION.~~

18 ~~(2) FOR EACH FISCAL YEAR, THE LOCAL SHARE OF TOTAL~~
19 ~~EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES SHALL BE THE SUM OF:~~

20 ~~(I) ONE HALF OF THE TOTAL REINVESTED SAVINGS; AND~~

21 ~~(II) THE LOCAL CONTRIBUTION RATE MULTIPLIED BY THE~~
22 ~~AGGREGATE EARNABLE COMPENSATION OF ALL COUNTIES.~~

23 ~~(C) (B)~~ ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD OF
24 TRUSTEES SHALL DETERMINE AND CERTIFY THE AMOUNTS PAYABLE BY EACH
25 COUNTY LOCAL EMPLOYER UNDER § 21-304(B)(4) OF THIS SUBTITLE FOR THE
26 NEXT FISCAL YEAR.

27 ~~(D) EACH YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO EACH~~
28 ~~COUNTY THE LOCAL CONTRIBUTION RATE, REINVESTED SAVINGS AMOUNT, AND~~
29 ~~THE AMOUNTS PAYABLE BY THE COUNTY UNDER § 21-304(B)(4) OF THIS~~
30 ~~SUBTITLE.~~

31 ~~(E) (H) (C)~~ ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 1, AND
32 JUNE 1 OF EACH FISCAL YEAR, EACH COUNTY LOCAL EMPLOYER SHALL PAY TO
33 THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED

1 TO THE ~~COUNTY~~ LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER
2 SUBSECTION ~~(D)~~ (B) OF THIS SECTION.

3 ~~(2) IF A COUNTY DOES NOT PAY THE AMOUNTS REQUIRED UNDER
4 THIS SECTION WITHIN THE TIME REQUIRED, THE COUNTY IS LIABLE FOR
5 INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 7.75% A YEAR UNTIL
6 PAYMENT.~~

7 ~~(3) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A
8 GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE
9 AMOUNTS CERTIFIED UNDER THIS SECTION.~~

10 ~~(4) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF
11 TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER
12 IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY
13 DUE OR COMING DUE TO THAT COUNTY FROM THE STATE.~~

14 ~~(F) ON RECEIPT OF THE PAYMENTS FROM EACH COUNTY, THE BOARD
15 OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND
16 OF THE APPROPRIATE STATE SYSTEM.~~

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

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

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

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

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

1 2-608.

2 [(c) For each of fiscal years 2013 through 2022, inclusive:

3 (1) the Comptroller shall distribute \$36,677,863 of the remaining
4 income tax revenue from individuals to the local reserve account established to comply
5 with § 2-606 of this subtitle; and

6 (2) the total amount distributed to the counties for each fiscal year
7 under subsection (a) of this section shall be reduced by \$36,677,863.

8 (d) The Comptroller shall adjust the amount distributed under subsection (a)
9 of this section to a county to allow for a proportionate part of the reduction made
10 under subsection (c) of this section.

11 (e) To determine the pro rata share for a county under subsection (d) of this
12 section, the Comptroller shall compute the amount equal to the product of multiplying
13 \$36,677,863 by a fraction:

14 (1) the numerator of which is the amount of county income tax from
15 individuals collected and attributable to residents of the county, calculated using tax
16 returns filed with the Comptroller for the most recent preceding tax year; and

17 (2) the denominator of which is the total amount of county income
18 taxes collected from individuals, calculated using tax returns filed with the
19 Comptroller for the most recent preceding tax year.

20 (f) The pro rata share calculated under subsection (e) of this section shall be
21 used for the quarterly distributions of local income tax revenue beginning in
22 November and ending in August.]

23 2-1104.

24 (b) For each fiscal year beginning on or before July 1, 2015, instead of the
25 distribution required under subsection (a)(1) of this section, the Comptroller shall
26 distribute 2.3% of the remaining motor fuel tax revenue as follows:

27 (1) to the General Fund of the State:

28 (i) \$5,000,000 for each fiscal year beginning on or before July 1,
29 [2014] 2011; [and]

30 (ii) \$13,000,000 FOR THE FISCAL YEAR BEGINNING ON
31 JULY 1, 2012;

1 (III) \$5,000,000 FOR EACH FISCAL YEAR BEGINNING ON OR
2 BEFORE JULY 1, 2014; AND

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

5 (2) the balance to the Chesapeake Bay 2010 Trust Fund.

6 **Article – Transportation**

7 4–321.

8 (e) The Governor shall transfer to the Authority for the Intercounty
9 Connector:

10 (1) From the Transportation Trust Fund, at least \$30,000,000 each
11 year for fiscal years 2007 through 2010;

12 (2) From the General Fund or general obligation bonds, an aggregate
13 appropriation by fiscal year [2013] 2014 equal to \$264,913,000, as follows:

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

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

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

17 (iv) The remaining balance for fiscal year 2012 [or], fiscal year
18 2013, OR FISCAL YEAR 2014; and

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

21 5–415.

22 (A) IN THIS SECTION, “FIRE RESCUE SERVICE” MEANS THE MARYLAND
23 AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

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

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

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

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

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

11 **(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:**

12 **(1) SET THE AMBULANCE TRANSPORT FEE; AND**

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

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

17 **(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY**
18 **COMMERCIAL INSURERS AND OTHER THIRD-PARTY PAYORS, INCLUDING**
19 **MEDICARE AND MEDICAID; AND**

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

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

26 7-208.

27 **(b-1) Subject to § 7-506 of this title, the Administration:**

28 **(1) [Shall] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS**
29 **SUBSECTION, SHALL set the fare prices and collect other operating revenues in an**
30 **amount sufficient to achieve the farebox recovery requirement established in**
31 **subsection (b) of this section; [and]**

1 (2) BEGINNING IN FISCAL 2013, SHALL INCREASE BASE FARE
 2 PRICES TO THE NEAREST ~~NICKEL~~ DIME FOR CORE BUS, LIGHT RAIL, AND METRO
 3 SUBWAY SERVICES BY AT LEAST THE SAME PERCENTAGE AS THE BIENNIAL
 4 INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, FOR
 5 THE WASHINGTON-BALTIMORE METROPOLITAN AREA, AS DETERMINED FROM
 6 JANUARY 1, ~~2010~~ 2009, TO DECEMBER 31, 2011, AND EACH SUBSEQUENT
 7 ~~2-YEAR~~ 3-YEAR PERIOD FOR WHICH THE AMOUNT IS BEING CALCULATED; AND

8 (3) May not reduce the level of services provided by the
 9 Administration for the purpose of achieving the farebox recovery requirement.

10 12-118.

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

15 13-954.

16 (a) In this section, “motor vehicle” means a:

17 (1) Class A (passenger) vehicle;

18 (2) Class B (for hire) vehicle;

19 (3) Class C (funeral and ambulance) vehicle;

20 (4) Class D (motorcycle) vehicle;

21 (5) Class E (truck) vehicle;

22 (6) Class F (tractor) vehicle;

23 (7) Class H (school) vehicle;

24 (8) Class J (vanpool) vehicle;

25 (9) Class M (multipurpose) vehicle;

26 (10) Class P (passenger bus) vehicle;

27 (11) Class Q (limousine) vehicle;

28 (12) Class R (low speed) vehicle; or

1 (13) Vehicle within any other class designated by the Administrator.

2 (b) (1) In addition to the registration fee otherwise required by this title,
 3 the owner of any motor vehicle registered under this title shall pay a surcharge of
 4 [\$13.50] \$15.50 per year for each motor vehicle registered.

5 (2) \$2.50 of the surcharge collected under paragraph (1) of this
 6 subsection shall be paid into the Maryland Trauma Physician Services Fund
 7 established under § 19-130 of the Health – General Article.

8 21-1414.

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

10 (2) “AUTHORITY” MEANS THE MARYLAND TRANSPORTATION
 11 AUTHORITY.

12 [(2)] (3) “Electronic toll collection” means a system [of collecting tolls
 13 or charges] IN A TOLL COLLECTION FACILITY that is capable of [charging an account
 14 holder for the appropriate toll by electronic transmission of] COLLECTING information
 15 [between a device on a motor vehicle and a device in a toll lane at a toll collection
 16 facility] FROM A MOTOR VEHICLE FOR USE IN CHARGING TOLLS.

17 (3) “Pay” means paying a toll by cash, by permitting a charge against a
 18 valid account with the Maryland Transportation Authority, or by another means of
 19 payment approved by the Authority at the time.]

20 (4) “NOTICE OF TOLL DUE” OR “NOTICE” MEANS A WRITTEN
 21 ADMINISTRATIVE NOTICE OF AN UNPAID TOLL TRANSACTION.

22 (5) “RECORDED IMAGE” MEANS AN IMAGE OF A MOTOR VEHICLE
 23 PASSING THROUGH A TOLL COLLECTION FACILITY THAT:

24 (1) IS RECORDED BY A VIDEO MONITORING SYSTEM ON:

25 1. ONE OR MORE PHOTOGRAPHS, MICROGRAPHS, OR
 26 ELECTRONIC IMAGES;

27 2. VIDEOTAPE; OR

28 3. ANY OTHER MEDIUM; AND

1 (II) SHOWS EITHER THE FRONT OR REAR OF THE MOTOR
 2 VEHICLE, ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING
 3 THE LICENSE PLATE NUMBER AND STATE OF THE MOTOR VEHICLE.

4 (6) “REGISTERED OWNER” MEANS, WITH RESPECT TO A MOTOR
 5 VEHICLE, THE PERSON OR PERSONS DESIGNATED AS THE REGISTERED OWNER
 6 IN THE RECORDS OF THE STATE AGENCY THAT IS RESPONSIBLE FOR MOTOR
 7 VEHICLE REGISTRATION.

8 (7) “TOLL COLLECTION FACILITY” MEANS ANY POINT ON AN
 9 AUTHORITY HIGHWAY WHERE A TOLL IS INCURRED AND IS REQUIRED TO BE
 10 PAID.

11 (8) “TOLL VIOLATION” MEANS THE FAILURE TO PAY AN UNPAID
 12 TOLL TRANSACTION WITHIN THE TIME PRESCRIBED BY THE AUTHORITY IN A
 13 NOTICE OF TOLL DUE.

14 (9) “UNPAID TOLL TRANSACTION” MEANS ANY TRANSACTION IN
 15 WHICH A MOTOR VEHICLE DOES NOT PAY A TOLL AT THE TIME OF PASSAGE
 16 THROUGH A TOLL COLLECTION FACILITY.

17 ~~[(4)]~~ (10) ~~["Video-monitoring system"]~~ “VIDEO MONITORING
 18 SYSTEM” means a motor vehicle [sensor] DEVICE installed to work in conjunction with
 19 a toll collection facility that [automatically] produces a [photograph, microphotograph,
 20 videotape, or other] recorded image of the license plate NUMBER AND STATE of a motor
 21 vehicle when [the operator of the motor vehicle fails to pay a toll] AN UNPAID TOLL
 22 TRANSACTION OCCURS.

23 (b) (1) If the operator of a motor vehicle fails to pay the prescribed toll at
 24 any Authority highway where tolls are collected by means of electronic toll collection,
 25 the registered owner of the motor vehicle shall be liable to the [Maryland
 26 Transportation] Authority for payment of the UNPAID toll [and a civil penalty]
 27 TRANSACTION as provided for in the regulations of the [Maryland Transportation]
 28 Authority.

29 (2) THE AUTHORITY SHALL SEND TO THE REGISTERED OWNER OF
 30 A MOTOR VEHICLE THAT HAS INCURRED AN UNPAID TOLL TRANSACTION A
 31 NOTICE OF TOLL DUE.

32 (3) THE REGISTERED OWNER OF THE MOTOR VEHICLE WHO
 33 RECEIVES A NOTICE OF TOLL DUE SHALL HAVE 30 DAYS TO PAY THE AMOUNT
 34 DUE.

1 **(C) (1) EXCEPT WHEN OTHERWISE DETERMINED BY THE DISTRICT**
 2 **COURT FOLLOWING A TRIAL TO CONTEST LIABILITY AS PROVIDED IN THIS**
 3 **SECTION, FAILURE OF THE REGISTERED OWNER TO PAY THE AMOUNT DUE**
 4 **UNDER A NOTICE OF TOLL DUE BY THE DATE STATED ON THE NOTICE SHALL**
 5 **CONSTITUTE A TOLL VIOLATION SUBJECT TO CIVIL CITATION AND CIVIL**
 6 **PENALTY AS PROVIDED IN THE REGULATIONS OF THE AUTHORITY.**

7 **(2) A registered owner of a vehicle shall not be liable for a civil penalty**
 8 **imposed under this section if the operator of the vehicle has been convicted of failure or**
 9 **refusal to pay a toll under § 21-1413 of this subtitle for the same violation.**

10 **[(c)] (D) (1) The [Maryland Transportation] Authority or its duly**
 11 **authorized agent shall send a citation via first-class mail, no later than 60 days after**
 12 **the alleged TOLL violation, to [each] THE person alleged to be liable under this section**
 13 **as a registered owner.**

14 **(2) Personal service upon the [registered owner] PERSON ALLEGED TO**
 15 **BE LIABLE shall not be required, and a record of mailing kept in the ordinary course of**
 16 **business shall be admissible evidence of the mailing of the NOTICE OF TOLL DUE AND**
 17 **citation.**

18 **(3) A citation shall contain:**

19 **(i) The name and address of the [registered owner] PERSON**
 20 **alleged to be liable under this section;**

21 **(ii) The [registration] LICENSE PLATE number AND STATE OF**
 22 **REGISTRATION of the motor vehicle involved in [such violation] THE UNPAID TOLL**
 23 **TRANSACTION;**

24 **(iii) The location where [such violation] THE UNPAID TOLL**
 25 **TRANSACTION took place;**

26 **(iv) The date and time of [such violation] THE UNPAID TOLL**
 27 **TRANSACTION;**

28 **(v) The amount of the [toll not paid] UNPAID TOLL**
 29 **TRANSACTION AND THE DATE IT WAS DUE;**

30 **(VI) A COPY OF THE RECORDED IMAGE;**

31 **(VII) A STATEMENT THAT THE NOTICE OF TOLL DUE WAS NOT**
 32 **PAID BY THE DATE STATED ON THE NOTICE;**

33 **[(vi)] (VIII) The amount of the civil penalty; and**

1 ~~[(vii)] (IX)~~ The date by which the toll and penalty must be paid.

2 (4) A citation shall also include:

3 (i) Information advising the person **ALLEGED TO BE** liable
 4 under this section of the manner and the time in which liability alleged in the citation
 5 may be contested;

6 (ii) The statutory defenses described in subsection ~~[(f)] (G)~~ of this
 7 section; and

8 (iii) A warning that failure to pay the toll and civil ~~[penalty or]~~
 9 **PENALTY**, to contest liability in the manner and time ~~[prescribed] PRESCRIBED, OR~~
 10 **TO APPEAR AT A TRIAL REQUESTED** is an admission of liability and a waiver of
 11 available defenses, and may result in ~~[the entry of a default judgment or in]~~ the refusal
 12 or suspension of the motor vehicle registration **AND REFERRAL FOR COLLECTION.**

13 (5) A person receiving the citation for a violation under this section
 14 may:

15 (i) Pay the toll and the civil penalty directly to the ~~[Maryland~~
 16 **Transportation]** Authority; or

17 (ii) Elect to stand trial for the alleged violation.

18 (6) If the ~~[registered owner of a motor vehicle who is]~~ **PERSON**
 19 **ALLEGED TO BE** liable under this section fails to **ELECT TO STAND TRIAL OR TO** pay
 20 the prescribed toll and civil penalty within 60 days after mailing of the citation, **OR IS**
 21 **ADJUDICATED TO BE LIABLE AFTER TRIAL**, the ~~[Maryland Transportation]~~
 22 Authority or its duly authorized agent may:

23 (i) Collect the toll~~[,] AND~~ the civil penalty~~],~~ and administrative
 24 expenses by civil action commenced in the District Court for the jurisdiction in which
 25 the alleged failure to pay a toll occurred; or] **BY ANY MEANS OF COLLECTION**
 26 **PROVIDED BY LAW; AND**

27 (ii) Notify the Administration of the failure to pay the toll and
 28 civil penalty in accordance with § 27-110 of this article.

29 (III) **NO ADDITIONAL HEARING OR PROCEEDING IS**
 30 **REQUIRED BEFORE THE ADMINISTRATION TAKES ACTION WITH RESPECT TO THE**
 31 **REGISTERED VEHICLE OF THE OWNER UNDER § 27-110 OF THIS ARTICLE.**

1 [(d)] (E) (1) A certificate alleging that a [failure to pay a] toll VIOLATION
 2 occurred, sworn to or affirmed by a duly authorized agent of the [Maryland
 3 Transportation] Authority, based upon inspection of [photographs, videotape, or other
 4 electronically recorded images of the license plate of a motor vehicle produced by an
 5 electronic toll collection video-monitoring system] A RECORDED IMAGE, TOLL
 6 COLLECTION RECORDS, AND RECORDS OF THE STATE AGENCY THAT IS
 7 RESPONSIBLE FOR MOTOR VEHICLE REGISTRATION, AND THE CERTIFICATE shall
 8 be evidence of the facts contained therein and shall be admissible in any proceeding
 9 alleging a violation under this section.

10 (2) THE CITATION, INCLUDING THE CERTIFICATE, SHALL
 11 CONSTITUTE PRIMA FACIE EVIDENCE OF LIABILITY FOR THE TOLL VIOLATION
 12 AND CIVIL PENALTY.

13 [(e)] (F) Adjudication of liability under this section:

14 (1) Shall be based upon a preponderance of evidence;

15 (2) May not be deemed a conviction of a registered owner of a motor
 16 vehicle under the Motor Vehicle Code;

17 (3) May not be made part of the registered owner's motor vehicle
 18 operating record; and

19 (4) May not be considered in the provision of motor vehicle insurance
 20 coverage.

21 [(f)] (G) (1) [If a person] IF THE DISTRICT COURT FINDS THAT AT
 22 THE TIME THE TOLL IS INCURRED, THE VEHICLE IS OPERATED BY AN
 23 INDIVIDUAL other than the registered owner [of the motor vehicle is adjudicated
 24 responsible for the failure to pay the toll] AND WITHOUT THE EXPRESS OR IMPLIED
 25 CONSENT OF THE REGISTERED OWNER, then the registered owner is not liable under
 26 this section.

27 (2) If the registered owner is a lessor of motor vehicles, and at the time
 28 of the [failure to pay a toll] UNPAID TOLL TRANSACTION the motor vehicle involved
 29 was in the possession of a lessee, and the lessor within 30 days of the citation provides
 30 the [Maryland Transportation] Authority or its duly authorized agent with a copy of
 31 the lease agreement identifying the lessee, then the lessee shall be liable under this
 32 section AND SHALL BE SENT A NOTICE OF TOLL DUE.

33 (3) If the motor vehicle involved in [a failure to pay a toll] AN UNPAID
 34 TOLL TRANSACTION is operated using a dealer or transporter registration plate, and
 35 at the time of the [violation] UNPAID TOLL TRANSACTION the motor vehicle was
 36 under the custody and control of a person other than the OWNER OF THE dealer or

1 transporter REGISTRATION PLATE, and if the OWNER OF THE dealer or transporter
 2 REGISTRATION PLATE within 30 days of the citation [identifies] PROVIDES to the
 3 [Maryland Transportation] Authority or its duly authorized agent A COPY OF THE
 4 LEASE OR OTHER CONTRACTUAL AGREEMENT INDENTIFYING the person who had
 5 custody and control over the motor vehicle at the time of the [violation] UNPAID TOLL
 6 TRANSACTION, then that person and not the OWNER OF THE dealer or transporter
 7 REGISTRATION PLATE shall be liable under this section AND SHALL BE SENT A
 8 NOTICE OF TOLL DUE.

9 (4) If a motor vehicle is reported to a law enforcement agency as stolen
 10 at the time of the [failure to pay a toll, or within a reasonable period of time after the
 11 registered owner becomes aware of the theft.] UNPAID TOLL TRANSACTION, AND THE
 12 REGISTERED OWNER WITHIN 30 DAYS OF THE CITATION PROVIDES TO THE
 13 AUTHORITY OR ITS DULY AUTHORIZED AGENT A COPY OF THE POLICE REPORT
 14 SUBSTANTIATING THAT THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE
 15 UNPAID TOLL TRANSACTION, then the registered owner of the motor vehicle is not
 16 liable under this section.

17 [(5) (i) If within 30 days of notice of a violation, a registered owner
 18 provides to the Maryland Transportation Authority or its duly authorized agent
 19 substantial evidence of the identity of the person who was operating the motor vehicle at
 20 the time of the violation, then that person shall be subject to liability under this section
 21 and shall be sent a citation under subsection (c) of this section.

22 (ii) If that person subsequently admits to or is adjudicated
 23 responsible for failure to pay the toll, then the registered owner is not liable under this
 24 section.]

25 21-1415.

26 (A) THE MARYLAND TRANSPORTATION AUTHORITY IN CONSULTATION
 27 WITH THE ADMINISTRATOR MAY ENTER INTO AN AGREEMENT WITH ANOTHER
 28 JURISDICTION THAT PROVIDES FOR RECIPROCAL ENFORCEMENT OF TOLL
 29 VIOLATIONS BETWEEN THE STATE AND THE OTHER JURISDICTION.

30 (B) AN AGREEMENT MADE UNDER THIS SECTION SHALL PROVIDE THAT
 31 DRIVERS AND VEHICLES LICENSED IN THE STATE, WHILE OPERATING ON THE
 32 HIGHWAYS OF ANOTHER JURISDICTION, SHALL RECEIVE BENEFITS, PRIVILEGES,
 33 AND EXEMPTIONS OF A SIMILAR KIND OR TO A SIMILAR DEGREE WITH REGARD
 34 TO TOLL ENFORCEMENT AS ARE EXTENDED TO DRIVERS AND VEHICLES
 35 LICENSED OR REGISTERED IN THE OTHER JURISDICTION WHILE OPERATED IN
 36 THE STATE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

7 (1) establish the definition of “loss ratio” for uniform application by all
8 managed care organizations;

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

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

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

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

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

23 (d) Any regulations adopted by the Secretary of Health and Mental Hygiene,
24 that adjust capitated payments to managed care organizations if the medical loss ratio
25 of a managed care organization is less than 85%, may not apply to a calendar year
26 preceding the calendar year in which the regulations are adopted.

27 SECTION 3. AND BE IT FURTHER ENACTED, That, as part of the ongoing
28 efforts of the Department of Health and Mental Hygiene to ensure that managed care
29 organizations deliver quality health care to their members, the Department may
30 modify, enhance, or replace the Value Based Purchasing Initiative in effect on January
31 1, 2005, provided that:

32 (1) except as provided in [item (4)] ITEMS (4) AND (5) of this section,
33 any changes to the core set of performance measures and the methodology for
34 penalties, rewards, disincentives, or incentives shall be adopted by regulation prior to

1 the calendar year for which the managed care organizations will be held accountable
 2 for compliance with the performance measures;

3 (2) except as provided in item (4) of this section, the Secretary of
 4 Health and Mental Hygiene shall notify managed care organizations of the core set of
 5 performance measures and targets at least 3 months prior to the calendar year for
 6 which the managed care organizations will be held accountable for compliance with
 7 the performance measures;

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

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

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

21 **Chapter 2 of the Acts of the Special Session of 2007**

22 SECTION 13. AND BE IT FURTHER ENACTED, That:

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

28 **Chapter 397 of the Acts of 2011**

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

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

~~Article Tax General~~~~10-211.~~

~~(b) (1) If an individual other than one described in paragraph (2) of this subsection has federal adjusted gross income for the taxable year greater than \$100,000, the amount allowed for each exemption under subsection (a)(1) or (2) of this section is limited to:~~

~~(i) [\$2,400] \$1,200 if federal adjusted gross income for the taxable year does not exceed \$125,000; AND~~

~~(ii) [\$1,800] \$0 if federal adjusted gross income for the taxable year is greater than \$125,000 [but not greater than \$150,000];~~

~~(iii) \$1,200 if federal adjusted gross income for the taxable year is greater than \$150,000 but not greater than \$200,000; and~~

~~(iv) \$600 if federal adjusted gross income for the taxable year is greater than \$200,000].~~

~~(2) If a married couple filing a joint return or an individual described in § 2 of the Internal Revenue Code as a head of household or as a surviving spouse has federal adjusted gross income for the taxable year greater than \$150,000, the amount allowed for each exemption under subsection (a)(1) or (2) of this section is limited to:~~

~~(i) [\$2,400] \$1,200 if federal adjusted gross income for the taxable year does not exceed \$175,000; AND~~

~~(ii) [\$1,800] \$0 if federal adjusted gross income for the taxable year is greater than \$175,000 [but not greater than \$200,000];~~

~~(iii) \$1,200 if federal adjusted gross income for the taxable year is greater than \$200,000 but not greater than \$250,000; and~~

~~(iv) \$600 if federal adjusted gross income for the taxable year is greater than \$250,000].~~

~~10-218.~~

~~(b) An individual who elects to itemize deductions is allowed as a deduction the sum of the individual's federal itemized deductions:~~

~~(1) limited and reduced as required under the Internal Revenue Code;~~

1 ~~11-101.~~

2 (a) ~~In this title the following words have the meanings indicated.~~

3 (b) ~~“Buyer” means a person who:~~

4 (1) ~~acquires tangible personal property in a sale; [or]~~

5 (2) ~~obtains a taxable service in a sale; OR~~

6 (3) ~~ACQUIRES A DIGITAL PRODUCT IN A SALE.~~

7 (c) ~~“Cleaning of a commercial or industrial building” means the following~~
8 ~~services performed to a commercial or industrial building:~~

9 (1) ~~floor, carpet, wall, window, ceiling, and exterior cleaning; and~~

10 (2) ~~janitorial services.~~

11 (d) (1) ~~“DIGITAL CODE” MEANS A CODE THAT:~~

12 (i) ~~MAY BE OBTAINED:~~

13 1. ~~IN A TANGIBLE FORM, SUCH AS A CARD; OR~~

14 2. ~~THROUGH ELECTRONIC MAIL; AND~~

15 (ii) ~~PROVIDES A BUYER WITH A RIGHT TO OBTAIN ONE OR~~
16 ~~MORE SPECIFIED DIGITAL PRODUCTS.~~

17 (2) ~~“DIGITAL CODE” DOES NOT INCLUDE A GIFT CERTIFICATE OR~~
18 ~~GIFT CARD WITH A MONETARY VALUE THAT IS REDEEMABLE FOR A SPECIFIED~~
19 ~~DIGITAL PRODUCT.~~

20 (e) (1) ~~“DIGITAL PRODUCT” MEANS A PRODUCT THAT IS OBTAINED~~
21 ~~ELECTRONICALLY BY THE BUYER AND DELIVERED BY MEANS OTHER THAN~~
22 ~~TANGIBLE STORAGE MEDIA THROUGH THE USE OF TECHNOLOGY HAVING~~
23 ~~ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR~~
24 ~~SIMILAR CAPABILITIES.~~

25 (2) ~~“DIGITAL PRODUCT” INCLUDES:~~

26 (i) ~~A WORK THAT RESULTS FROM THE FIXATION OF A~~
27 ~~SERIES OF SOUNDS THAT ARE TRANSFERRED ELECTRONICALLY, INCLUDING:~~

1 ~~1. PRERECORDED OR LIVE MUSIC OR~~
 2 ~~PERFORMANCES, READINGS OF BOOKS OR OTHER WRITTEN MATERIALS, AND~~
 3 ~~SPEECHES; AND~~

4 ~~2. AUDIO GREETING CARDS SENT BY ELECTRONIC~~
 5 ~~MAIL;~~

6 ~~(H) A DIGITIZED SOUND FILE, SUCH AS A RING TONE, THAT~~
 7 ~~IS DOWNLOADED ONTO A DEVICE AND MAY BE USED TO ALERT THE USER OF THE~~
 8 ~~DEVICE WITH RESPECT TO A COMMUNICATION;~~

9 ~~(HH) A SERIES OF RELATED IMAGES THAT, WHEN SHOWN IN~~
 10 ~~SUCCESION, IMPART AN IMPRESSION OF MOTION, TOGETHER WITH ANY~~
 11 ~~ACCOMPANYING SOUNDS, THAT ARE TRANSFERRED ELECTRONICALLY,~~
 12 ~~INCLUDING MOTION PICTURES, MUSICAL VIDEOS, NEWS AND ENTERTAINMENT~~
 13 ~~PROGRAMS, LIVE EVENTS, VIDEO GREETING CARDS SENT BY ELECTRONIC MAIL,~~
 14 ~~AND VIDEO OR ELECTRONIC GAMES;~~

15 ~~(IV) A BOOK, GENERALLY KNOWN AS A "DIGITAL BOOK" OR~~
 16 ~~"E-BOOK", THAT IS TRANSFERRED ELECTRONICALLY; AND~~

17 ~~(V) A NEWSPAPER, MAGAZINE, PERIODICAL, CHAT ROOM~~
 18 ~~DISCUSSION, WEBLOG, OR OTHER SIMILAR PRODUCT THAT IS TRANSFERRED~~
 19 ~~ELECTRONICALLY.~~

20 ~~[(d)] (F)~~ ~~"Person" includes:~~

21 ~~(1) this State or a political subdivision, unit, or instrumentality of this~~
 22 ~~State;~~

23 ~~(2) another state or a political subdivision, unit, or instrumentality of~~
 24 ~~that state; and~~

25 ~~(3) a unit or instrumentality of a political subdivision of this State or~~
 26 ~~of another state.~~

27 ~~[(e)] (G)~~ ~~"Prepaid telephone calling arrangement" means the right to use~~
 28 ~~telecommunications services, paid for in advance, that enables the origination of calls~~
 29 ~~using an access number or authorization code, whether manually or electronically~~
 30 ~~dialed.~~

31 ~~[(f)] (H)~~ ~~(1) "Production activity" means:~~

1 ~~(i) except for processing food or a beverage by a retail food~~
 2 ~~vendor, assembling, manufacturing, processing, or refining tangible personal property~~
 3 ~~for resale;~~

4 ~~(ii) generating electricity for sale or for use in another~~
 5 ~~production activity;~~

6 ~~(iii) 1. laundering, maintaining, or preparing textile products~~
 7 ~~for rental; or~~

8 ~~2. laundering, maintaining, or preparing textile products~~
 9 ~~in providing the taxable service of commercial cleaning or laundering of textiles for a~~
 10 ~~buyer who is engaged in a business that requires the recurring service of commercial~~
 11 ~~cleaning or laundering of the textiles;~~

12 ~~(iv) producing or repairing production machinery or equipment;~~

13 ~~(v) establishing or maintaining clean rooms or clean zones as~~
 14 ~~required by applicable provisions of the Federal Food, Drug, and Cosmetic Act, the~~
 15 ~~Public Health Service Act, and the Virus Serum Toxin Act, and the regulations~~
 16 ~~adopted thereunder, pertaining to the manufacture of drugs, medical devices, or~~
 17 ~~biologies;~~

18 ~~(vi) providing for the safety of employees; or~~

19 ~~(vii) providing for quality control.~~

20 ~~(2) "Production activity" does not include:~~

21 ~~(i) servicing or repairing tangible personal property, except for~~
 22 ~~servicing or repairing production machinery or equipment;~~

23 ~~(ii) maintaining tangible personal property other than textile~~
 24 ~~products for rental and production machinery and equipment, except for maintaining~~
 25 ~~tangible personal property in providing the taxable service of commercial cleaning or~~
 26 ~~laundering of textiles for a buyer who is engaged in a business that requires the~~
 27 ~~recurring service of commercial cleaning or laundering of the textiles;~~

28 ~~(iii) providing for the comfort or health of employees; or~~

29 ~~(iv) storing the finished product.~~

30 ~~[(g)] (I) "Production machinery or equipment" means machinery or~~
 31 ~~equipment used in a production activity.~~

32 ~~[(h)] (J) (1) "Retail sale" means the sale of:~~

1 ~~(i) tangible personal property; [or]~~

2 ~~(ii) a taxable service; OR~~

3 ~~(iii) DIGITAL PRODUCTS.~~

4 ~~(2) "Retail sale" includes:~~

5 ~~(i) a sale of tangible personal property for use or resale in the~~
6 ~~form of real estate by a builder, contractor, or landowner; [and]~~

7 ~~(ii) except as provided in paragraph (3)(i) of this subsection, use~~
8 ~~of tangible personal property as facilities, tools, tooling, machinery, or equipment,~~
9 ~~including dies, molds, and patterns, even if the buyer intends to transfer title to the~~
10 ~~property before or after that use;~~

11 ~~(iii) A SALE OF A DIGITAL PRODUCT THAT IS SOLD WITH~~
12 ~~RIGHTS OF PERMANENT USE OR SOLD WITH RIGHTS OF LESS THAN PERMANENT~~
13 ~~USE;~~

14 ~~(iv) A SALE OF A DIGITAL PRODUCT THAT IS SOLD WITH~~
15 ~~RIGHTS OF USE CONDITIONED ON CONTINUED PAYMENT BY THE SUBSCRIBER~~
16 ~~OR BUYER; AND~~

17 ~~(v) A SALE OF A SUBSCRIPTION TO, ACCESS TO, OR THE~~
18 ~~PURCHASE OF A DIGITAL CODE FOR RECEIVING OR ACCESSING DIGITAL~~
19 ~~PRODUCTS.~~

20 ~~(3) "Retail sale" does not include:~~

21 ~~(i) a transfer of title to tangible personal property after its use~~
22 ~~as facilities, tools, tooling, machinery, or equipment, including dies, molds, and~~
23 ~~patterns, if:~~

24 ~~1. at the time of purchase, the buyer is obligated, under~~
25 ~~the terms of a written contract, to make the transfer; and~~

26 ~~2. the transfer is made for the same or greater~~
27 ~~consideration to the person for whom the buyer manufactures goods or performs work;~~

28 ~~(ii) a sale of tangible personal property OR A DIGITAL~~
29 ~~PRODUCT if the buyer intends to:~~

30 ~~1. resell the tangible personal property OR DIGITAL~~
31 ~~PRODUCT in the form that the buyer receives or is to receive the property;~~

1 ~~2.~~ ~~use or incorporate the tangible personal property OR~~
 2 ~~DIGITAL PRODUCT~~ in a production activity as a material or part of other tangible
 3 personal property to be produced for sale; or

4 ~~3.~~ ~~transfer the tangible personal property as a part of a~~
 5 ~~taxable service transaction; or~~

6 ~~(iii)~~ ~~a sale of a taxable service if the buyer intends to resell the~~
 7 ~~taxable service in the form that the buyer receives or is to receive the service.~~

8 ~~[(i)] (K)~~ (1) ~~“Sale” means a transaction for a consideration whereby:~~

9 ~~(i)~~ ~~title or possession of property is transferred or is to be~~
 10 ~~transferred absolutely or conditionally by any means, including by lease, rental,~~
 11 ~~royalty agreement, or grant of a license for use; or~~

12 ~~(ii)~~ ~~a person performs a service for another person.~~

13 ~~(2)~~ ~~“Sale” does not include a transaction whereby an employee~~
 14 ~~performs a service for the employee’s employer.~~

15 ~~[(j)] (L)~~ ~~“Sale for use” means a sale in which tangible personal property, A~~
 16 ~~DIGITAL PRODUCT, or a taxable service that is consumed, possessed, stored, or used~~
 17 ~~in the State is acquired.~~

18 ~~[(k)] (M)~~ (1) ~~“Tangible personal property” means:~~

19 ~~(i)~~ ~~corporeal personal property of any nature; or~~

20 ~~(ii)~~ ~~a right to occupy a room or lodgings as a transient guest.~~

21 ~~(2)~~ ~~“Tangible personal property” includes:~~

22 ~~(i)~~ ~~farm equipment;~~

23 ~~(ii)~~ ~~wall to wall carpeting that is installed into real estate,~~
 24 ~~regardless of the purpose, method, or permanency of its installation; and~~

25 ~~(iii)~~ ~~coal, electricity, oil, nuclear fuel assemblies, steam, and~~
 26 ~~artificial or natural gas.~~

27 ~~[(l)] (N)~~ (1) ~~“Taxable price” means the value, in money, of the~~
 28 ~~consideration of any kind that is paid, delivered, payable, or deliverable by a buyer to~~
 29 ~~a vendor in the consummation and complete performance of a sale without deduction~~
 30 ~~for any expense or cost, including the cost of:~~

1 (i) ~~any labor or service rendered;~~

2 (ii) ~~any material used; or~~

3 (iii) ~~any property sold.~~

4 (2) ~~“Taxable price” includes, for tangible personal property OR A~~
5 ~~DIGITAL PRODUCT~~ ~~acquired by a sale for use in the State by the person who~~
6 ~~assembles, fabricates, or manufactures the property, only the price of the raw~~
7 ~~materials and component parts contained in the property.~~

8 (3) ~~“Taxable price” does not include:~~

9 (i) ~~a charge that is made in connection with a sale and is stated~~
10 ~~as a separate item of the consideration for:~~

11 1. ~~a delivery, freight, or other transportation service for~~
12 ~~delivery directly to the buyer by the vendor or by another person acting for the vendor,~~
13 ~~unless the transportation service is a taxable service;~~

14 2. ~~a finance charge, interest, or similar charge for credit~~
15 ~~extended to the buyer;~~

16 3. ~~a labor or service for application or installation;~~

17 4. ~~a mandatory gratuity or service charge in the nature~~
18 ~~of a tip for serving food or beverage to a group of 10 or fewer individuals for~~
19 ~~consumption on the premises of the vendor;~~

20 5. ~~a professional service;~~

21 6. ~~a tax:~~

22 A. ~~imposed by a county on the sale of coal, electricity, oil,~~
23 ~~nuclear fuel assemblies, steam, or artificial or natural gas;~~

24 B. ~~imposed under § 3-302(a) of the Natural Resources~~
25 ~~Article, as a surcharge on electricity, and added to an electric bill;~~

26 C. ~~imposed under §§ 6-201 through 6-203 of the Tax~~
27 ~~Property Article, on tangible personal property subject to a lease that is for an initial~~
28 ~~period that exceeds 1 year and is noncancellable except for cause; or~~

29 D. ~~imposed under § 4-102 of this article on the gross~~
30 ~~receipts derived from an admissions and amusement charge;~~

1 ~~7. any service for the operation of equipment used for~~
 2 ~~the production of audio, video, or film recordings; or~~

3 ~~8. reimbursement of incidental expenses paid to a third~~
 4 ~~party and incurred in connection with providing a taxable detective service;~~

5 (ii) ~~the value of a used component or part (core value) received~~
 6 ~~from a purchaser of the following remanufactured truck parts:~~

7 ~~1. an air brake system;~~

8 ~~2. an engine;~~

9 ~~3. a rear axle carrier; or~~

10 ~~4. a transmission; or~~

11 (iii) ~~a charge for a nontaxable service that is made in connection~~
 12 ~~with a sale of a taxable communication service, even if the nontaxable charges are~~
 13 ~~aggregated with and not separately stated from the taxable charges for~~
 14 ~~communications services, if the vendor can reasonably identify charges not subject to~~
 15 ~~tax from its books and records that are kept in the regular course of business.~~

16 (4) ~~“Taxable price” includes, for a short-term vehicle rental as defined~~
 17 ~~under § 11-104(e) of this subtitle, all sales and charges made in connection with the~~
 18 ~~short-term vehicle rental, including insurance, freight handling, equipment and~~
 19 ~~supplies, delivery and pickup, cellular telephone, and other accessories, but not~~
 20 ~~including sales of motor fuel subject to the motor fuel tax.~~

21 ~~[(m)] (0) “Taxable service” means:~~

22 (1) ~~fabrication, printing, or production of tangible personal property~~
 23 ~~OR A DIGITAL PRODUCT by special order;~~

24 (2) ~~commercial cleaning or laundering of textiles for a buyer who is~~
 25 ~~engaged in a business that requires the recurring service of commercial cleaning or~~
 26 ~~laundering of the textiles;~~

27 (3) ~~cleaning of a commercial or industrial building;~~

28 (4) ~~cellular telephone or other mobile telecommunications service;~~

29 (5) ~~“900”, “976”, “915”, and other “900” type telecommunications~~
 30 ~~service;~~

31 (6) ~~custom calling service provided in connection with basic telephone~~
 32 ~~service;~~

1 ~~(7) a telephone answering service;~~

2 ~~(8) pay per view television service;~~

3 ~~(9) credit reporting;~~

4 ~~(10) a security service, including:~~

5 ~~(i) a detective, guard, or armored car service; and~~

6 ~~(ii) a security systems service;~~

7 ~~(11) a transportation service for transmission, distribution, or delivery~~
 8 ~~of electricity or natural gas, if the sale or use of the electricity or natural gas is subject~~
 9 ~~to the sales and use tax; or~~

10 ~~(12) a prepaid telephone calling arrangement.~~

11 ~~[(n)](P) (1) "Use" means an exercise of a right or power to use, consume,~~
 12 ~~possess, or store that is acquired by a sale for use of:~~

13 ~~(i) tangible personal property; [or]~~

14 ~~(ii) a taxable service; OR~~

15 ~~(III) A DIGITAL PRODUCT.~~

16 ~~(2) "Use" includes an exercise of a right or power to use, consume,~~
 17 ~~possess, or store that is acquired by a sale for use of tangible personal property OR A~~
 18 ~~DIGITAL PRODUCT;~~

19 ~~(i) for use or resale in the form of real estate by a builder,~~
 20 ~~contractor, or landowner; or~~

21 ~~(ii) except as provided in paragraph (3)(i) of this subsection, as~~
 22 ~~facilities, tools, tooling, machinery, or equipment, including dies, molds, and patterns,~~
 23 ~~even if the buyer intends to transfer title to the property before or after that use.~~

24 ~~(3) "Use" does not include:~~

25 ~~(i) a transfer of title to tangible personal property after its use~~
 26 ~~as facilities, tools, tooling, machinery, or equipment, including dies, molds, and~~
 27 ~~patterns, if:~~

1 ~~1. at the time of purchase, the buyer is obligated, under~~
2 ~~the terms of a written contract, to make the transfer; and~~

3 ~~2. the transfer is made for the same or greater~~
4 ~~consideration to the person for whom the buyer manufactures goods or performs work;~~

5 ~~(ii) an exercise of a right or power over tangible personal~~
6 ~~property OR A DIGITAL PRODUCT acquired by a sale for use if the buyer intends to:~~

7 ~~1. resell the tangible personal property OR DIGITAL~~
8 ~~PRODUCT in the form that the buyer receives or is to receive the property;~~

9 ~~2. use or incorporate the tangible personal property OR~~
10 ~~DIGITAL PRODUCT in a production activity as a material or part of other tangible~~
11 ~~personal property OR DIGITAL PRODUCT to be produced for sale; or~~

12 ~~3. transfer the tangible personal property OR DIGITAL~~
13 ~~PRODUCT as part of a taxable service transaction; [or]~~

14 ~~(iii) an exercise of a right or power over a taxable service~~
15 ~~acquired by a sale for use if the buyer intends to resell the taxable service in the form~~
16 ~~that the buyer receives or is to receive the service; OR~~

17 ~~(IV) AN EXERCISE OF A RIGHT OR POWER OVER A DIGITAL~~
18 ~~CODE TO RECEIVE OR ACCESS A DIGITAL PRODUCT.~~

19 ~~[(e)] (Q) (1) "Vendor" means a person who:~~

20 ~~(i) engages in the business of an out of state vendor, as~~
21 ~~defined in § 11-701 of this title;~~

22 ~~(ii) engages in the business of a retail vendor, as defined in §~~
23 ~~11-701 of this title; or~~

24 ~~(iii) holds a special license issued under § 11-707 of this title.~~

25 ~~(2) "Vendor" includes, for an out of state vendor, a salesman,~~
26 ~~representative, peddler, or canvasser whom the Comptroller, for the efficient~~
27 ~~administration of this title, elects to treat as an agent jointly responsible with the~~
28 ~~dealer, distributor, employer, or supervisor:~~

29 ~~(i) under whom the agent operates; or~~

30 ~~(ii) from whom the agent obtains the tangible personal property,~~
31 ~~A DIGITAL PRODUCT, or taxable service for sale.~~

1 ~~11-102.~~

2 (a) ~~Except as otherwise provided in this title, a tax is imposed on:~~

3 (1) ~~a retail sale in the State; and~~

4 (2) ~~a use, in the State, of tangible personal property, A DIGITAL~~
5 ~~PRODUCT, or a taxable service.~~

6 ~~11-217.~~

7 (b) ~~The sales and use tax does not apply to a sale of tangible personal~~
8 ~~property OR A DIGITAL PRODUCT for use or consumption in research and~~
9 ~~development.~~

10 ~~11-221.~~

11 ~~(D) A RETAIL SALE OF A DIGITAL PRODUCT SUBJECT TO TAX UNDER~~
12 ~~THIS TITLE DOES NOT INCLUDE A RETAIL SALE THAT IS SUBJECT TO TAX IN~~
13 ~~ACCORDANCE WITH ANY OTHER PROVISION OF THIS ARTICLE.~~

14 ~~11-701.~~

15 (b) (1) ~~“Engage in the business of an out-of-state vendor” means to sell or~~
16 ~~deliver tangible personal property or a taxable service for use in the State.~~

17 (2) ~~“Engage in the business of an out-of-state vendor” includes:~~

18 (i) ~~permanently or temporarily maintaining, occupying, or~~
19 ~~using any office, sales or sample room, or distribution, storage, warehouse, or other~~
20 ~~place for the sale of tangible personal property or a taxable service directly or~~
21 ~~indirectly through an agent or subsidiary;~~

22 (ii) ~~having an agent, canvasser, representative, salesman,~~
23 ~~INDEPENDENT CONTRACTOR, or solicitor operating in the State for the purpose of~~
24 ~~delivering, selling, or taking orders for tangible personal property or a taxable service;~~
25 ~~or~~

26 (iii) ~~entering the State on a regular basis to provide service or~~
27 ~~repair for tangible personal property.~~

28 ~~11-701.1.~~

29 ~~(A) IN THIS SECTION, “SELLER” MEANS A PERSON MAKING SALES OF~~
30 ~~TANGIBLE PERSONAL PROPERTY, A DIGITAL PRODUCT, OR A TAXABLE SERVICE.~~

1 ~~(B) FOR PURPOSES OF § 11-701(B)(2)(H) OF THIS SUBTITLE, A SELLER~~
 2 ~~SHALL BE PRESUMED TO HAVE AN AGENT, CANVASSER, REPRESENTATIVE,~~
 3 ~~SALESMAN, INDEPENDENT CONTRACTOR, OR SOLICITOR OPERATING IN THE~~
 4 ~~STATE FOR THE PURPOSE OF SELLING OR TAKING ORDERS FOR TANGIBLE~~
 5 ~~PERSONAL PROPERTY, A DIGITAL PRODUCT, OR A TAXABLE SERVICE IF:~~

6 ~~(1) THE SELLER ENTERS INTO AN AGREEMENT WITH A RESIDENT~~
 7 ~~OF THE STATE UNDER WHICH THE RESIDENT, FOR A COMMISSION OR OTHER~~
 8 ~~CONSIDERATION, DIRECTLY OR INDIRECTLY REFERS POTENTIAL CUSTOMERS~~
 9 ~~TO THE SELLER, WHETHER BY A LINK ON AN INTERNET WEB SITE, OR~~
 10 ~~OTHERWISE; AND~~

11 ~~(2) THE CUMULATIVE GROSS RECEIPTS FROM SALES BY THE~~
 12 ~~SELLER TO CUSTOMERS IN THE STATE WHO ARE REFERRED TO THE SELLER BY~~
 13 ~~ALL RESIDENTS HAVING AN AGREEMENT WITH THE SELLER AS DESCRIBED IN~~
 14 ~~ITEM (1) OF THIS SUBSECTION IS GREATER THAN \$10,000 DURING THE~~
 15 ~~PRECEDING FOUR QUARTERLY PERIODS ENDING ON THE LAST DAY OF~~
 16 ~~FEBRUARY, MAY, AUGUST, AND NOVEMBER.~~

17 ~~(C) THE PRESUMPTION UNDER THIS SECTION MAY BE REBUTTED BY~~
 18 ~~PROOF THAT THE RESIDENT WITH WHOM THE SELLER HAS AN AGREEMENT AS~~
 19 ~~DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION DID NOT ENGAGE IN ANY~~
 20 ~~SOLICITATION IN THE STATE ON BEHALF OF THE SELLER THAT WOULD SATISFY~~
 21 ~~THE NEXUS REQUIREMENT OF THE UNITED STATES CONSTITUTION DURING~~
 22 ~~THE FOUR QUARTERLY PERIODS IN QUESTION.~~

23 ~~(D) THIS SECTION MAY NOT BE CONSTRUED TO NARROW THE SCOPE OF~~
 24 ~~THE TERMS "AGENT", "CANVASSER", "REPRESENTATIVE", "SALESMAN",~~
 25 ~~"INDEPENDENT CONTRACTOR", AND "SOLICITOR" FOR PURPOSES OF §~~
 26 ~~11-701(B)(2)(H) OF THIS SUBTITLE OR FOR PURPOSES OF ANY OTHER~~
 27 ~~PROVISION OF LAW.~~

28 ~~12-105.~~

29 ~~(b) The tobacco tax rate for other tobacco products is [15%] 70% of the~~
 30 ~~wholesale price of the tobacco products.~~

31 ~~Article Tax Property~~

32 ~~12-105.~~

33 ~~(f) (7) (i) IN THIS PARAGRAPH, "INDEMNITY MORTGAGE"~~
 34 ~~INCLUDES ANY MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST IN~~

~~1 REAL PROPERTY THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR
2 WHICH THE GUARANTOR IS NOT PRIMARILY LIABLE.~~

~~3 (H) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
4 PARAGRAPH:~~

~~5 1. SECURED DEBT WITH RESPECT TO AN INDEMNITY
6 MORTGAGE IS DEEMED TO BE INCURRED FOR PURPOSES OF THIS SUBSECTION
7 WHEN AND TO THE SAME EXTENT AS DEBT IS INCURRED ON THE GUARANTEED
8 LOAN; AND~~

~~9 2. THE RECORDATION TAX APPLIES UNDER THIS
10 SUBSECTION IN THE SAME MANNER AS IF THE GUARANTOR WERE PRIMARILY
11 LIABLE FOR THE GUARANTEED LOAN.~~

~~12 (III) THIS PARAGRAPH DOES NOT APPLY:~~

~~13 1. TO THE EXTENT THAT RECORDATION TAX IS PAID
14 ON ANOTHER INSTRUMENT OF WRITING THAT SECURES PAYMENT OF THE
15 GUARANTEED LOAN; OR~~

~~16 2. TO AN INDEMNITY MORTGAGE THAT SECURES A
17 GUARANTEE OF REPAYMENT OF A LOAN FOR LESS THAN \$1,000,000.~~

~~18 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 8-406(b),
19 10-306(e), 10-704.1, and 10-708 of Article Tax General of the Annotated Code of
20 Maryland be repealed.~~

~~21 SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 11-202,
22 11-213, and 11-214.1 of Article Tax General of the Annotated Code of Maryland be
23 repealed.~~

~~24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:~~

~~26 Article – Education~~

~~27 5-202.~~

~~28 (a) (13) “Target per pupil foundation amount” means:~~

~~29 (i) In fiscal years 2008, 2009, and 2010, \$6,694;~~

~~30 (ii) Except as provided in items (iii) and (iv) of this paragraph,
31 in subsequent fiscal years:~~

1 1. The target per pupil foundation amount for the prior
 2 fiscal year increased by the same percentage as the lesser of:

3 A. The increase in the implicit price deflator for State
 4 and local government expenditures for the second prior fiscal year;

5 B. The Consumer Price Index for all urban consumers for
 6 the Washington–Baltimore metropolitan area, or any successor index, for the second
 7 prior fiscal year; or

8 C. 5%; or

9 2. If there is no increase in the implicit price deflator for
 10 State and local government expenditures for the second prior fiscal year or in the
 11 Consumer Price Index for all urban consumers for the Washington–Baltimore
 12 metropolitan area, or any successor index, for the second prior fiscal year, the target
 13 per pupil foundation amount for the prior fiscal year;

14 (iii) In fiscal year 2012, \$6,694; [and]

15 (iv) **IN FISCAL YEAR 2013, \$6,650; AND**

16 (v) In each of fiscal years [2013] **2014** through 2015:

17 1. The target per pupil foundation amount for the prior
 18 fiscal year increased by the same percentage as the lesser of:

19 A. The increase in the implicit price deflator for State
 20 and local government expenditures for the second prior fiscal year;

21 B. The Consumer Price Index for all urban consumers for
 22 the Washington–Baltimore metropolitan area, or any successor index, for the second
 23 prior fiscal year; or

24 C. 1%; or

25 2. If there is no increase in the implicit price deflator for
 26 State and local government expenditures for the second prior fiscal year or in the
 27 Consumer Price Index for all urban consumers for the Washington–Baltimore
 28 metropolitan area, or any successor index, for the second prior fiscal year, the target
 29 per pupil foundation amount for the prior fiscal year.

30 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 31 read as follows:

32 Article – Education

1 5-105.

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

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

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

10 (2) The manner of spending the funds.

11 (D) (1) FUNDS RECEIVED BY THE COUNTY BOARD UNDER §
 12 2-608(A)(1) OF THE TAX – GENERAL ARTICLE AFTER THE ADOPTION OF THE
 13 ANNUAL BUDGET BY THE COUNTY FISCAL AUTHORITY MAY BE SPENT BY THE
 14 COUNTY BOARD AFTER APPROVAL BY THE COUNTY FISCAL AUTHORITY UNDER
 15 PARAGRAPH (2) OF THIS SUBSECTION.

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

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

23 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
 24 contingent on the failure of this Act to require local jurisdictions to contribute a
 25 portion of retirement costs for teachers.

26 SECTION ~~6~~ ~~4~~ 5. AND BE IT FURTHER ENACTED, That Section(s) 5-203 of
 27 Article – Education of the Annotated Code of Maryland be repealed.

28 SECTION ~~7~~ ~~5~~ 6. AND BE IT FURTHER ENACTED, That, notwithstanding
 29 any other provision of law, on or before June 30, 2012, the Governor may transfer to
 30 the General Fund:

31 \$1,000,000 of the funds in the Helicopter Replacement Fund established under §
 32 2-801 of the Public Safety Article; and

33 \$1,800,000 of the funds in the accounts of the Baltimore City Community
 34 College.

1 SECTION ~~8~~ ~~6~~ 7. AND BE IT FURTHER ENACTED, That, notwithstanding
 2 any other provision of law, on or before June 30, 2013, the Governor may transfer to
 3 the General Fund:

4 \$500,000 of the funds in the Maryland Correctional Enterprises Revolving Fund
 5 established under § 3-507 of the Correctional Services Article;

6 \$500,000 of the funds in the Spinal Cord Injury Research Trust Fund
 7 established under § 13-1406 of the Health – General Article;

8 ~~\$241,036 of the funds in the State Board of Occupational Therapy Practice~~
 9 ~~established under § 10-206 of the Health Occupations Article;~~

10 \$206,000 of the funds in the State Insurance Trust Fund established under §
 11 9-103 of the State Finance and Procurement Article;

12 ~~\$111,063 of the funds in the Maryland Not-For-Profit Development Center~~
 13 ~~Program Fund established under § 5-1204 of the Economic Development Article;~~

14 *\$111,063 of the funds in the Maryland Not-For-Profit Development Center*
 15 *Program Fund established under § 5-1204 of the Economic Development Article;*

16 \$96,350 of the funds in the State Board of Examiners for Audiologists, Hearing
 17 Aid Dispensers, and Speech-Language Pathologists established under §
 18 2-206 of the Health Occupations Article;

19 ~~\$79,356 of the funds in the State Board of Podiatric Medical Examiners~~
 20 ~~established under § 16-206 of the Health Occupations Article;~~

21 *\$320,392 of the funds in the State Board of Physicians Fund established under §*
 22 *14-207 of the Health Occupations Article;*

23 *\$7,775,000 of the funds in the accounts of the University System of Maryland;*

24 *\$381,000 of the funds in the accounts of Morgan State University;*

25 *\$351,000 of the funds in the special fund established under § 11-401 of the*
 26 *Business Regulation Article;*

27 \$50,000 of the funds in the special fund established under § 7-216.1 of the State
 28 Government Article; and

29 \$9,788 of the funds in the State Board of Morticians and Funeral Directors
 30 established under § 7-206 of the Health Occupations Article.

1 ~~SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
 2 ~~other provision of law, on or before June 30, 2013, the Governor may transfer~~
 3 ~~\$2,611,000 of the funds in the Waterway Improvement Fund established under §~~
 4 ~~8-707 of the Natural Resources Article to the General Fund.~~

5 SECTION ~~10. 7.~~ 8. AND BE IT FURTHER ENACTED, That, notwithstanding
 6 any other provision of law, on or before June 30, 2013, the Governor may transfer
 7 \$96,870,649 of the funds in the special fund established under § 13-209 of the Tax –
 8 Property Article to the General Fund. A transfer of funds from the special fund to the
 9 General Fund under this section may not be taken into account for purposes of
 10 determining any allocation or appropriation required under § 13-209(f) or (g) of the
 11 Tax – Property Article.

12 SECTION ~~11. 8.~~ 9. AND BE IT FURTHER ENACTED, That, notwithstanding
 13 any other provision of law, ~~on:~~

14 (1) On or before June 30, 2013, the Governor shall transfer
 15 \$50,000,000 of the funds in the Injured Workers Insurance Fund to the General Fund.
 16 ~~This transfer~~

17 (2) If legislation is enacted during the 2012 Session of the General
 18 Assembly that requires a valuation study by the Insurance Commissioner, the
 19 Governor shall transfer from of the Injured Workers' Insurance Fund, the Injured
 20 Workers' Insurance Fund and its successor shall be jointly liable to pay to the General
 21 Fund an the additional amount that the Insurance Commissioner determines to be the
 22 appropriate value of benefits, in excess of \$50,000,000, that the Injured Workers'
 23 Insurance Fund has realized from its association with the State, if the Insurance
 24 Commissioner determines that the additional amount would not impair the adequacy
 25 of the Injured Workers' Insurance Fund's surplus and reserves.

26 (3) The transfer of \$50,000,000 and the additional transfer payment to
 27 the State, if any, required by this section shall resolve any claim the State has or may
 28 have to the property or assets of the Injured Workers Insurance Fund, except as
 29 provided under federal tax law for dissolution of state sponsored workers'
 30 compensation reinsurance organizations.

31 SECTION ~~12. 9.~~ 10. AND BE IT FURTHER ENACTED, That, notwithstanding
 32 any other provision of law, on or before June 30, 2012, the Governor may transfer up
 33 to ~~\$1,867,000~~ ~~\$200,000~~ \$1,867,000 of the funds in the Small, Minority, and
 34 Women-Owned Businesses Account established under § 9-1A-35 of the State
 35 Government Article to the Education Trust Fund established under § 9-1A-30 of the
 36 State Government Article.

37 SECTION ~~13. 10.~~ 11. AND BE IT FURTHER ENACTED, That,
 38 ~~notwithstanding:~~

1 (1) ~~Notwithstanding any other provision of law, up to \$413,000 of the~~
 2 ~~balance in the Fair Campaign Financing Fund established under § 15-103 of the~~
 3 ~~Election Law Article may be transferred to the State Board of Elections for the~~
 4 ~~operations and maintenance expenses of a new on-line Campaign Finance System.~~

5 ~~(2)~~ ~~(i)~~ The Governor shall include in the budget bill for fiscal year
 6 2014 the transfer of \$2,000,000 from the Fair Campaign Financing Fund to the
 7 Maryland Information Technology Development Project Fund (program F50A01.01)
 8 that was authorized by Section 38 of Chapter 487 of the Acts of 2009 for the purpose of
 9 funding the purchase of a new Optical Scan Voting System.

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

14 ~~SECTION 14. AND BE IT FURTHER ENACTED, That, as provided in §~~
 15 ~~12-105 of the Tax General Article, all other tobacco products used, possessed, or held~~
 16 ~~in the State on or after July 1, 2012, by any person for sale or use in the State, shall be~~
 17 ~~subject to the full tax of 70% of the wholesale price. The Comptroller may provide an~~
 18 ~~alternative method of assessing and collecting the additional tax. The revenue~~
 19 ~~attributable to this requirement shall be remitted to the Comptroller by October 15,~~
 20 ~~2012.~~

21 ~~SECTION 11. 12. AND BE IT FURTHER ENACTED, That, notwithstanding~~
 22 ~~any other provision of law, on or before June 30, 2012, the Governor may transfer up~~
 23 ~~to \$950,000 of the funds in the Problem Gambling Fund established under §~~
 24 ~~9-1A-33(b) of the State Government Article to the Education Trust Fund established~~
 25 ~~under § 9-1A-30 of the State Government Article.~~

26 ~~SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
 27 ~~other provision of law, for fiscal year 2013 through fiscal year 2017:~~

28 ~~(a) Except as provided in subsection (b) of this section and except as~~
 29 ~~otherwise provided in this Act, the Governor is not required to include an~~
 30 ~~appropriation in the budget for any program or item in an amount that exceeds the~~
 31 ~~fiscal year 2012 appropriation for that item or program as approved in the State~~
 32 ~~budget for fiscal year 2012 as enacted by the General Assembly.~~

33 ~~(b) Subsection (a) of this section does not apply to:~~

34 ~~(1) funding required for State aid to public elementary and secondary~~
 35 ~~education as provided under Title 5, Subtitle 2 or § 4-121, § 4-122, §~~
 36 ~~6-306, § 8-310.3, § 8-317, or § 8-415 of the Education Article;~~

~~(2) the State's employer contribution to the State Retirement and Pension System required under § 21-308 of the State Personnel and Pensions Article;~~
~~or~~

~~(3) any appropriation required to the Revenue Stabilization Account of the State Reserve Fund under § 7-311 of the State Finance and Procurement Article.~~

SECTION ~~16~~ ~~12~~ 13. 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 19, 2011~~ January 18, 2012.

SECTION ~~17~~ ~~13~~ 14. 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 19, 2011~~ January 18, 2012.

SECTION ~~18~~ ~~14~~ 15. 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 19. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2013 only, the local share of the total employer contribution for teacher and librarian retirement shall be as follows:~~

Allegany	2,890,831
Anne Arundel	20,340,335
Baltimore City	21,893,869
Baltimore County	28,184,531
Calvert	4,874,186
Caroline	1,402,418
Carroll	7,019,651
Cecil	4,284,004
Charles	6,884,597

1	Dorchester	1,154,127
2	Frederick	10,281,577
3	Garrett	1,210,268
4	Harford	9,824,156
5	Howard	17,225,564
6	Kent	641,149
7	Montgomery	47,406,507
8	Prince George's	34,062,796
9	Queen Anne's	1,923,341
10	St. Mary's	4,287,204
11	Somerset	836,461
12	Talbot	1,121,726
13	Washington	5,530,496
14	Wicomico	3,806,299
15	Worcester	2,222,012

16 SECTION 15-16. AND BE IT FURTHER ENACTED, That the Department of
 17 Health and Mental Hygiene may transfer up to \$5,000,000 in general funds in the
 18 Developmental Disabilities Administration at the end of fiscal year 2012 into a
 19 dedicated account, to be used in fiscal year 2013 for the following expenditures:

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

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

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

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

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

4 (2) within the Office of Health Care Quality, providing funding, up to
5 \$750,000, for activities directly related to providers licensed by the Developmental
6 Disabilities Administration in lieu of increasing licensure fees for developmental
7 disability providers.

8 ~~SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
9 ~~other provision of law, the Governor may transfer up to \$2,000,000 of the funds in the~~
10 ~~administrative expense account in the Strategic Energy Investment Fund established~~
11 ~~under § 9-20B-05 of the State Government Article to the Office of Home Energy~~
12 ~~Programs in the Department of Human Resources established under § 5-5A-02 of the~~
13 ~~Human Services Article to provide low-income energy assistance.~~

22

14 SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding any
15 other provision of law, the Governor shall transfer \$4,500,000 from the Senior
16 Prescription Drug Assistance Program account of the Maryland Health Insurance
17 Plan Fund established under § 14-504(e) of the Insurance Article to the Medical
18 Assistance Program established under Title 15, Subtitle 1 of the Health – General
19 Article in fiscal year 2013.

20 SECTION 18. AND BE IT FURTHER ENACTED, That any money received by
21 the State as a result of conditions of an approved merger between Exelon Corporation
22 and Constellation Energy Group shall be expended only as authorized through an act
23 of the General Assembly or specifically authorized in the State budget bill as enacted
24 and is not subject to transfer by budget amendment.

25 ~~SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
26 ~~other provision of law, on or before June 30, 2013, the Governor may transfer~~
27 ~~\$25,000,000 of the funds in the Chesapeake Bay 2010 Trust Fund established under §~~
28 ~~8-2A-02 of the Natural Resources Article to the General Fund.~~

23

29 ~~SECTION 20. AND BE IT FURTHER ENACTED, That Section 19 of this Act is~~
30 ~~contingent on the failure of Sections 5, 6, 7, and 8 of this Act.~~

31 ~~SECTION 20.~~ SECTION 21. 19. AND BE IT FURTHER ENACTED, That for
32 fiscal years 2013 through 2016 2015, in addition to the required maintenance of effort
33 amount calculated under § 5-202(d) of the Education Article, each county shall
34 appropriate to the county board of education the following dollar amounts:

30

	<u>Fiscal Year</u>	<u>Fiscal Year</u>	<u>Fiscal Year</u>	<u>Fiscal Year</u>
<u>County</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>

1	<u>Allegany</u>	<u>189,796</u>	<u>890,964</u>	<u>1,563,433</u>	<u>2,202,813</u>
2	<u>Anne Arundel</u>	<u>3,092,946</u>	<u>8,526,156</u>	<u>13,737,805</u>	<u>18,693,987</u>
3	<u>Baltimore City</u>	<u>451,499</u>	<u>6,530,039</u>	<u>12,359,166</u>	<u>17,900,754</u>
4	<u>Baltimore</u>	<u>3,479,937</u>	<u>10,920,304</u>	<u>18,056,875</u>	<u>24,843,168</u>
5	<u>Calvert</u>	<u>900,826</u>	<u>2,242,787</u>	<u>3,530,094</u>	<u>4,754,381</u>
6	<u>Caroline</u>	<u>107,209</u>	<u>481,447</u>	<u>840,370</u>	<u>1,181,636</u>
7	<u>Carroll</u>	<u>1,259,058</u>	<u>3,154,453</u>	<u>4,972,647</u>	<u>6,701,824</u>
8	<u>Cecil</u>	<u>606,569</u>	<u>1,768,803</u>	<u>2,883,613</u>	<u>3,943,744</u>
9	<u>Charles</u>	<u>1,241,900</u>	<u>3,104,567</u>	<u>4,891,369</u>	<u>6,590,693</u>
10	<u>Dorchester</u>	<u>45,147</u>	<u>354,188</u>	<u>650,559</u>	<u>932,325</u>
11	<u>Frederick</u>	<u>1,850,755</u>	<u>4,639,317</u>	<u>7,314,299</u>	<u>9,858,315</u>
12	<u>Garrett</u>	<u>56,117</u>	<u>369,108</u>	<u>669,273</u>	<u>954,651</u>
13	<u>Harford</u>	<u>1,303,111</u>	<u>3,915,240</u>	<u>6,420,755</u>	<u>8,803,344</u>
14	<u>Howard</u>	<u>3,914,319</u>	<u>8,569,576</u>	<u>13,035,641</u>	<u>17,283,545</u>
15	<u>Kent</u>	<u>37,401</u>	<u>299,872</u>	<u>375,279</u>	<u>532,541</u>
16	<u>Montgomery</u>	<u>7,397,129</u>	<u>20,268,640</u>	<u>32,615,298</u>	<u>44,356,785</u>
17	<u>Prince George's</u>	<u>3,153,145</u>	<u>12,375,752</u>	<u>21,221,199</u>	<u>29,631,799</u>
18	<u>Queen Anne's</u>	<u>263,742</u>	<u>786,001</u>	<u>1,286,946</u>	<u>1,763,315</u>
19	<u>St. Mary's</u>	<u>641,651</u>	<u>1,816,399</u>	<u>2,943,228</u>	<u>4,014,805</u>
20	<u>Somerset</u>	<u>0</u>	<u>225,299</u>	<u>441,326</u>	<u>609,677</u>
21	<u>Talbot</u>	<u>92,359</u>	<u>388,670</u>	<u>672,859</u>	<u>943,072</u>
22	<u>Washington</u>	<u>647,544</u>	<u>2,108,319</u>	<u>3,509,431</u>	<u>4,841,753</u>
23	<u>Wicomico</u>	<u>297,377</u>	<u>1,321,987</u>	<u>2,304,668</u>	<u>3,239,008</u>
24	<u>Worcester</u>	<u>229,927</u>	<u>829,887</u>	<u>1,405,325</u>	<u>1,952,489</u>

25		<u>Fiscal Year</u>	<u>Fiscal Year</u>	<u>Fiscal Year</u>
26	<u>County</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
27	<u>Allegany</u>	<u>1,487,742</u>	<u>2,175,870</u>	<u>2,272,982</u>
28	<u>Anne Arundel</u>	<u>11,493,684</u>	<u>16,809,886</u>	<u>19,219,485</u>
29	<u>Baltimore City</u>	<u>12,922,862</u>	<u>18,900,106</u>	<u>18,522,464</u>
30	<u>Baltimore</u>	<u>15,755,802</u>	<u>23,043,371</u>	<u>25,571,286</u>
31	<u>Calvert</u>	<u>2,835,938</u>	<u>4,147,651</u>	<u>4,882,636</u>
32	<u>Caroline</u>	<u>793,934</u>	<u>1,161,155</u>	<u>1,219,022</u>
33	<u>Carroll</u>	<u>4,005,782</u>	<u>5,858,585</u>	<u>6,883,123</u>
34	<u>Cecil</u>	<u>2,459,819</u>	<u>3,597,564</u>	<u>4,056,774</u>
35	<u>Charles</u>	<u>3,936,516</u>	<u>5,757,283</u>	<u>6,768,811</u>
36	<u>Dorchester</u>	<u>656,543</u>	<u>960,215</u>	<u>963,685</u>
37	<u>Frederick</u>	<u>5,893,461</u>	<u>8,619,378</u>	<u>10,125,066</u>
38	<u>Garrett</u>	<u>664,714</u>	<u>972,166</u>	<u>986,295</u>
39	<u>Harford</u>	<u>5,529,741</u>	<u>8,087,426</u>	<u>9,058,054</u>
40	<u>Howard</u>	<u>9,821,066</u>	<u>14,363,628</u>	<u>17,719,601</u>
41	<u>Kent</u>	<u>366,147</u>	<u>535,502</u>	<u>549,906</u>
42	<u>Montgomery</u>	<u>27,227,553</u>	<u>39,821,180</u>	<u>45,600,931</u>
43	<u>Prince George's</u>	<u>19,554,579</u>	<u>28,599,207</u>	<u>30,547,361</u>
44	<u>Queen Anne's</u>	<u>1,105,527</u>	<u>1,616,869</u>	<u>1,814,204</u>

1	<u>St. Mary's</u>	<u>2,485,697</u>	<u>3,635,413</u>	<u>4,128,731</u>
2	<u>Somerset</u>	<u>480,124</u>	<u>702,197</u>	<u>633,323</u>
3	<u>Talbot</u>	<u>628,456</u>	<u>919,138</u>	<u>972,589</u>
4	<u>Washington</u>	<u>3,094,113</u>	<u>4,525,240</u>	<u>4,985,107</u>
5	<u>Wicomico</u>	<u>2,173,593</u>	<u>3,178,951</u>	<u>3,341,320</u>
6	<u>Worcester</u>	<u>1,271,561</u>	<u>1,859,699</u>	<u>2,011,770</u>

30
cont

7 SECTION ~~22~~ 20. AND BE IT FURTHER ENACTED, That for fiscal year ~~2017~~
8 2016, the maintenance of effort amount calculated under § 5-202(d) of the Education
9 Article shall be based on the total per pupil appropriation for fiscal ~~2016~~ 2015
10 including the amount each county was required to appropriate to the county board of
11 education in fiscal year ~~2016~~ 2015 under Section ~~20~~ ~~21~~ 19 of this Act.

12 SECTION 21. AND BE IT FURTHER ENACTED, That it is the intent of the
13 General Assembly that funding be provided in the annual budget to upgrade the
14 Maryland Institute for Emergency Medical Services System communications systems.

24

15 SECTION ~~23~~ 22. AND BE IT FURTHER ENACTED, That, if any provision of
16 this Act or the application thereof to any person or circumstances is held invalid for
17 any reason in a court of competent jurisdiction, the invalidity does not affect other
18 provisions or any other application of this Act which can be given effect without the
19 invalid provision or application, and for this purpose the provisions of this Act are
20 declared severable.

21 SECTION ~~24~~ 23. AND BE IT FURTHER ENACTED, That § 12-118(e)(2) of the
22 Transportation Article, as enacted by Section 1 of this Act, shall take effect October 1,
23 2012.

24 SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any
25 other provision of law, for a county that does not meet the maintenance of effort
26 requirement under § 5-202(d) of the Education Article in fiscal year 2012 and approves
27 a county income tax rate of 3.2% before July 1, 2012, the county may reduce by 15% its
28 required fiscal year 2013 maintenance of effort amount, which shall be calculated
29 based on the required maintenance of effort amount for fiscal year 2012, provided that
30 the required fiscal 2013 per pupil amount may not be less than the amount
31 appropriated per pupil in fiscal 2012.

31

32 ~~SECTION 21. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this~~
33 ~~Act shall take effect July 1, 2012, and shall be applicable to all taxable years~~
34 ~~beginning after December 31, 2011.~~

35 ~~SECTION 22. AND BE IT FURTHER ENACTED, That Sections 3 and 5 of this~~
36 ~~Act shall take effect July 1, 2012.~~

37 SECTION 25. AND BE IT FURTHER ENACTED, That the changes made to §
38 10-127 of the Labor and Employment Article under Section 1 of this Act and Section 9
39 of this Act shall take effect June 1, 2012, contingent on the taking effect of Chapter

25

1 (S.B. 745/H.B. 1017) of the Acts of the General Assembly of 2012, and if Chapter
2 (S.B. 745/H.B. 1017) does not become effective, the changes made to § 10–127 of
3 the Labor and Employment Article and Section 9 of this Act shall be null and void
4 without the necessity of further action by the General Assembly.

25
cont

5 SECTION 26. AND BE IT FURTHER ENACTED, That Sections 3 and 24 of
6 this Act are contingent on the taking effect of Chapter (S.B. 848) or Chapter (H.B.
7 1412) of the Acts of the General Assembly of 2012, and if Chapter (S.B. 848) or
8 Chapter (H.B. 1412) does not become effective, Sections 3 and 24 of this Act shall be
9 null and void without the necessity of further action by the General Assembly.

32

10 SECTION 27. AND BE IT FURTHER ENACTED, That Section 5 of this Act
11 shall take effect July 1, 2014.

32
cont

12 SECTION ~~23~~, ~~25~~, 28. AND BE IT FURTHER ENACTED, That, except as
13 otherwise provided in this Act, this Act shall take effect June 1, 2012.