SENATE BUDGET AND TAXATION COMMITTEE
COMMITTEE REPRINT

SENATE BILL 152

B1 2lr0115
CF HB 87

By: **The President (By Request – Administration)**
Introduced and read first time: January 18, 2012
Assigned to: Budget and Taxation

A BILL ENTITLED

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

FOR the purpose of altering or repealing certain required appropriations; altering the distribution of certain revenues; altering or repealing certain funding requirements; altering the authorized use of certain funds; authorizing the transfer of certain funds; repealing certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet Web site relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet Web site; altering the distribution of certain traffic conviction surcharges; requiring the State Court Administrator to submit a certain annual report on or before a certain date; altering certain categories required to be included in certain annual budgets of county boards of education; prohibiting a county council or board of county commissioners from reducing a certain budget amount for a county board of education; authorizing the State to deduct a certain amount under certain circumstances from certain State funds that would otherwise be paid to certain county boards of education; requiring the State to provide a certain grant to a county board of education in a certain fiscal year if certain funding provided to a county board decreases by a certain amount; providing a certain exception to a certain requirement that certain money is to be included in the budget bill; altering certain State education funding for certain fiscal years; altering certain fees; ~~establishing the Developmental Disabilities Trust Fund as a special fund to be used for certain purposes; providing for a certain assessment on certain day care centers;~~ requiring certain managed care organizations to operate without restricted

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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.

enrollment in all jurisdictions of the State or remit a certain amount of money at certain times to the Maryland Medical Assistance Program; requiring the Department to use certain money to fund the statewide rural enrollment supplemental payments made by the Department under a certain provision of law; repealing a requirement for a certain payment to certain nursing facilities under certain circumstances; altering a certain authority for the Health Services Cost Review Commission to adopt certain regulations under certain circumstances; requiring a certain nonprofit health service plan to provide a certain subsidy; altering the percentage of the amount that may be assessed in the aggregate on certain nursing facilities; providing that the State has no interest in the assets of the Injured Workers' Insurance Fund and that all revenues, money, and assets of the Fund belong to the Fund and are held in trust for certain persons; prohibiting the State from borrowing, appropriating, or directing payments from the Fund for any purpose; prohibiting the dissolution of the Fund; requiring that certain money received by the State as a result of a certain multistate–federal settlement of foreclosure misconduct claims be expended only in a certain manner; providing that the settlement money is not subject to transfer by budget amendment; requiring that beginning with a certain fiscal year the Governor include in the budget bill a certain appropriation of the settlement money to the Dedicated Purpose Account; altering certain commissions for certain licensed agents for a certain fiscal year; requiring ~~counties~~ county boards of education to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to ~~establish a certain local contribution rate in a certain manner for certain fiscal years;~~ include a separate certification of a certain normal contribution rate in the certification of certain rates; providing for the manner of payment by certain ~~counties~~ county boards of education for certain employer contributions; requiring certain ~~counties~~ county boards of education to make certain payments of certain employer contributions in certain fiscal years; requiring the Comptroller to ~~exercise the right of setoff against~~ withhold certain delinquent amounts from any money due ~~or becoming due~~ under certain circumstances; requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee; altering a certain requirement for the Maryland Transit Administration to set certain fare prices to include a certain percentage from a certain Consumer Price Index; authorizing the Department of Health and Mental Hygiene to make certain changes to a certain methodology in connection with a certain Value Based Purchasing Initiative for a certain calendar year; altering the time period during which a certain education index adjustment is to be updated; altering certain criteria and methodology to be used in updating a certain education index adjustment; ~~altering a certain exemption from certain income taxes for certain individuals and married couples under certain circumstances; altering a certain reduction for a certain individual who elects to itemize certain deductions under certain circumstances; providing that the sales and use tax applies to the sale or use of certain digital products; providing that for purposes of certain provisions of the sales and use tax law certain persons shall be~~

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~~presumed under certain circumstances to have an agent, canvasser, representative, salesman, independent contractor, or solicitor operating in the State for certain purposes; providing that a certain presumption may be rebutted by certain proof; altering a certain tax rate for certain tobacco products; providing that, for purposes of the recordation tax, secured debt with respect to certain mortgages, deeds of trust, and other security interests in real property securing a guarantee of 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; 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; 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; providing for the effective dates of this Act; and generally relating to the financing of State government.

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BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1105
Annotated Code of Maryland
(2011 Replacement Volume)

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

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

<u>BY repealing and reenacting, with amendments,</u>
<u>Article – Courts and Judicial Proceedings</u>
<u>Section 7–301(f)</u>
<u>Annotated Code of Maryland</u>
<u>(2006 Replacement Volume and 2011 Supplement)</u>

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

BY repealing and reenacting, with amendments,
Article – Education
Section 5–101(b)(4), 5–103(c), <u>5–202(a)(13) and (i),</u> 5–206(f)(2), 16–305(c)(1)(i), 16–512(a)(1), and 17–104(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

BY repealing and reenacting, with amendments,
Article – Environment
Section 7–604(b) and (h) and 9–1707(f)(6)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1707(f)(1)
Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

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

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

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

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

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

BY adding to
Article – State Finance and Procurement
Section 7–310.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–117(a)(1)~~, 9–1604(b)(1)(vi),~~ and 12–203

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

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

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

BY repealing
Article – Tax – General
Section 2–608(c), (d), (e), and (f)~~, 8–406(b), 10–306(e), 10–704.1, 10–708, 11–202, 11–213, and 11–214.1~~ **1 cont**
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

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

BY adding to
Article – Transportation
Section 5–415
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

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

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

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

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

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

BY repealing
Article – Education
Section 5–203
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1105.

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

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(1) ALLEGANY COUNTY – $1,632,106;

(2) BALTIMORE CITY – $6,972,596;

(3) CAROLINE COUNTY – $685,108;

(4) DORCHESTER COUNTY – $308,913;

(5) GARRETT COUNTY – $406,400;

(6) PRINCE GEORGE'S COUNTY – $7,628,702;

(7) SOMERSET COUNTY – $381,999; AND

(8) WICOMICO COUNTY – $1,567,837.

Article – Commercial Law

17–311.

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

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

(b) The published notice shall be entitled "Notice of Names of Persons Appearing to Be Owners of Abandoned Property" and shall contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) THE NOTICE SHALL:

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

(II) CONTAIN:

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

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

3. THE ADDRESS OF THE INTERNET WEB SITE.

Article – Courts and Judicial Proceedings

7–301.

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

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

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

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

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

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

(V) AFTER A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, 100% of the

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remainder shall be credited to the Maryland Emergency Medical Systems Operation Fund established under § 13–955 of the Transportation Article.

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

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

Article – Economic Development

10–523.

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

1. for **EACH OF THE** fiscal **[**year**]** **YEARS** 2011 **THROUGH 2014**, $2,750,000; **AND**

2. **[**for fiscal year 2012, $2,750,000;

3. for fiscal year 2013, $3,000,000; and

4.**]** for each of **THE** fiscal years **[**2014**]** **2015** through 2020, $4,000,000.

Article – Education

5–101.

(b) The budget shall be prepared to include the following categories:

(4) School Construction Fund, requested appropriations:

(i) Land for school sites;

(ii) Buildings and the equipment that will be an integral part of a building by project;

(iii) School site improvement by project;

(iv) Remodeling by project;

(v) Additional equipment by project; **[**and**]**

(vi) Debt service**; AND**

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

5–103.

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

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

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

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

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

5–202.

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

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

(ii) Transportation aid under § 5–205 of this subtitle;

(iii) Funding for compensatory education under § 5–207 of this subtitle;

(iv) Funding for students with limited English proficiency under § 5–208 of this subtitle;

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

(vi) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(vii) Funding for grants provided under this subsection.

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

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

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

5–206.

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

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

~~1.~~ **(I)** Allegany County $97,791;

~~2.~~ **(II)** Anne Arundel County.....$506,038;

~~3.~~ **(III)** Baltimore City $1,387,924;

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1 ~~4.~~ **(IV)** Baltimore County $874,227;

2 ~~5.~~ **(V)** Calvert County $38,292;

3 ~~6.~~ **(VI)** Caroline County.....$50,074;

4 ~~7.~~ **(VII)** Carroll County $137,261;

5 ~~8.~~ **(VIII)** Cecil County.....$96,024;

6 ~~9.~~ **(IX)** Charles County.....$50,074;

7 ~~10.~~ **(X)** Dorchester County.....$38,292;

8 ~~11.~~ **(XI)** Frederick County.....$182,622;

9 ~~12.~~ **(XII)** Garrett County $38,292;

10 ~~13.~~ **(XIII)** Harford County.....$217,379; **2 cont**

11 ~~14.~~ **(XIV)** Howard County.....$87,776;

12 ~~15.~~ **(XV)** Kent County.....$38,292;

13 ~~16.~~ **(XVI)** Montgomery County.....$602,651;

14 ~~17.~~ **(XVII)** Prince George's County $1,209,426;

15 ~~18.~~ **(XVIII)** Queen Anne's County.....$50,074;

16 ~~19.~~ **(XIX)** St. Mary's County.....$50,074;

17 ~~20.~~ **(XX)** Somerset County $38,292;

18 ~~21.~~ **(XXI)** Talbot County $38,292;

19 ~~22.~~ **(XXII)** Washington County.....$134,904;

20 ~~23.~~ **(XXIII)** Wicomico County ..... $106,627; and

21 ~~24.~~ **(XXIV)** Worcester County .....$38,292**[**; and

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

16–305.

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

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

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

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

4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

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

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

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

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

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

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

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

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

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

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

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

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

3 cont

~~**A. ALLEGANY COLLEGE ..... $4,774,893;**~~

~~**B. ANNE ARUNDEL COMMUNITY COLLEGE ..... $27,245,747;**~~

~~**C. COMMUNITY COLLEGE OF BALTIMORE COUNTY ..... $34,411,298;**~~

~~**D. CARROLL COMMUNITY COLLEGE..... $6,854,255;**~~

~~**E. CECIL COMMUNITY COLLEGE..... $4,647,382;**~~

~~**F. COLLEGE OF SOUTHERN MARYLAND ..... $10,694,901;**~~

~~**G. CHESAPEAKE COLLEGE ..... $5,891,166;**~~

~~**H. FREDERICK COMMUNITY COLLEGE .... $8,150,150;**~~

~~**I. GARRETT COLLEGE ..... $2,247,232;**~~

~~**J. HAGERSTOWN COMMUNITY COLLEGE ..... $6,967,783;**~~

~~**K. HARFORD COMMUNITY COLLEGE ..... $9,995,632;**~~

~~**L. HOWARD COMMUNITY COLLEGE..... $12,589,715;**~~

~~M. MONTGOMERY COLLEGE .....$35,927,782;~~

~~N. PRINCE GEORGE'S COMMUNITY COLLEGE .....$22,022,467; AND~~

~~O. WOR–WIC COMMUNITY COLLEGE.....$6,751,602.~~

1. ALLEGANY COLLEGE $4,773,622;

2. ANNE ARUNDEL COMMUNITY COLLEGE $27,235,329;

3. COMMUNITY COLLEGE OF BALTIMORE COUNTY $34,398,366;

3 cont

4. CARROLL COMMUNITY COLLEGE $6,851,515;

5. CECIL COMMUNITY COLLEGE $4,645,751;

6. COLLEGE OF SOUTHERN MARYLAND $10,902,580;

7. CHESAPEAKE COLLEGE $5,675,815;

8. FREDERICK COMMUNITY COLLEGE ...$8,145,648;

9. GARRETT COLLEGE $2,246,709;

10. HAGERSTOWN COMMUNITY COLLEGE $6,965,064;

11. HARFORD COMMUNITY COLLEGE $9,990,806;

12. HOWARD COMMUNITY COLLEGE $12,584,485;

13. MONTGOMERY COLLEGE $35,998,553;

14. PRINCE GEORGE'S COMMUNITY COLLEGE .....$22,013,074; AND

15. WOR–WIC COMMUNITY COLLEGE .....$6,748,796.

16–512.

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

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

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

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

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

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

3 cont

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

[~~(vii)~~ **(VI)** In fiscal year 2015, ~~not less than an amount equal to 64.5%~~ **AN AMOUNT THAT IS THE GREATER OF 58.3%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of

administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**;

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

3 cont

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

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

[(xi)**]** ~~(VII)~~ **(X)** In fiscal year 2019, not less than an amount equal to **[**66.25%**]** **61%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

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

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

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

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

3 cont

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

17–104.

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

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

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

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

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

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

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

3 cont

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

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

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

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

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

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

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

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

Article – Environment

7–604.

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

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

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

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

(i) Conducting:

1. Incident response activities;

2. Shelter in place and evacuation planning;

3. Railroad, maritime, and transportation exercises; and

4. Emergency response activities;

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

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

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

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

(4) EMERGENCY RESPONSE ACTIVITIES OF THE DEPARTMENT.

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

9–1707.

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

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

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

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

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

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

~~**Article – Financial Institutions**~~

~~13–1114.~~

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

Article – Health – General

~~4–217.~~

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

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

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

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

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

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

~~(ii)**]** The Department shall collect a $24 fee:~~

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

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

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

5 cont

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

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

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

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

~~2. FOR EACH DIVORCE VERIFICATION.~~

~~7–207.~~

~~(A) IN THIS SECTION, "FUND" MEANS THE DEVELOPMENTAL DISABILITIES TRUST FUND.~~

6

~~(B) THERE IS A DEVELOPMENTAL DISABILITIES TRUST FUND.~~

~~(C) THE PURPOSE OF THE FUND IS TO SUPPORT AND PROVIDE RESOURCES TO BENEFIT INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.~~

~~(D) THE SECRETARY SHALL ADMINISTER THE FUND.~~

~~(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~(F) THE FUND CONSISTS OF:~~

~~(1) NOTWITHSTANDING THE PROVISIONS OF § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, ANY UNSPENT GENERAL FUNDS~~

~~APPROPRIATED IN THE COMMUNITY SERVICES PROGRAM OF THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;~~

~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND~~

~~(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

6 cont

~~(G) THE FUND MAY BE USED ONLY FOR:~~

~~(1) PROVIDING COMMUNITY-BASED SERVICES TO INDIVIDUALS ELIGIBLE FOR SERVICES FROM THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE DEPARTMENT;~~

~~(2) PROVIDING IN-SERVICE TRAINING FOR DIRECT CARE STAFF UNDER § 7–204 OF THIS SUBTITLE;~~

~~(3) ENHANCING SERVICES AND SERVICE COORDINATION FOR DEVELOPMENTALLY DISABLED CLIENTS; AND~~

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

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

~~14–207.~~

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

5 cont

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

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

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

~~14–305.~~

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

5 cont

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

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

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

15–102.8.

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

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

19

(2) REMIT TO THE PROGRAM:

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

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

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

15–117.

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

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

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

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

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

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

19–214.

(b) The Commission may adopt regulations establishing alternative methods for financing the reasonable total costs of hospital uncompensated care **AND THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT** provided that the alternative methods:

(1) Are in the public interest;

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

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

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

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

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

19–310.1.

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

Article – Insurance

14–106.

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

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

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

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

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

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

1. operating grants to community health resources;

2. funding for a unified data information system;

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

4. the administrative costs of the Commission**; AND**

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

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

2 cont

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

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

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

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

14–106.1.

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

(1) the Community Health Resources Commission Fund established under § 19–2201 of the Health – General Article to support the costs of the Community Health Resources Commission as provided in § 14–106(d)(1)(v) of this subtitle; **[**and**]**

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

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

14–504.

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

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

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

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

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

Article – Labor and Employment

[10–127.

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

(1) as the General Assembly provides; or

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

10–127.

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

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

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

(D) THE FUND MAY NOT BE DISSOLVED.

Article – State Finance and Procurement

7–310.1.

11

(A) ANY MONEY RECEIVED BY THE STATE AS A RESULT OF THE MULTISTATE–FEDERAL SETTLEMENT OF FORECLOSURE MISCONDUCT CLAIMS:

(1) SHALL BE EXPENDED ONLY AS AUTHORIZED THROUGH AN ACT OF THE GENERAL ASSEMBLY OR SPECIFICALLY AUTHORIZED IN THE STATE BUDGET BILL AS ENACTED; AND

(2) IS NOT SUBJECT TO TRANSFER BY BUDGET AMENDMENT.

(B) FOR FISCAL YEAR 2014 AND THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION OF ANY MONEY RECEIVED UNDER THE SETTLEMENT TO THE DEDICATED PURPOSE ACCOUNT ESTABLISHED UNDER § 7–310 OF THIS SUBTITLE.

Article – State Government

9–117.

(a) (1) **[**(i) Except as provided in subparagraph (ii) of this paragraph, a**]** ~~A~~ licensed agent shall receive regular commissions of **[**5.5%**]** ~~**5.0%**~~ of the licensed agent's gross receipts from ticket sales.

[(ii) For fiscal years 2010 through ~~2012~~ **2013** only, a licensed agent shall receive regular commissions of 5.0% of the licensed agent's gross receipts from ticket sales.**]**

~~9–1604.~~

~~(b) (1) The Chief Administrative Law Judge may:~~

~~(vi) assess fees to cover administrative expenses as follows:~~

~~1. to file an appeal, a fee not exceeding:~~

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

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

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

12–203.

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

Article – State Personnel and Pensions

21–125.

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

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

9

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

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

21–304.

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

~~**(2) "AGGREGATE ANNUAL EARNABLE COMPENSATION" MEANS AN AMOUNT BASED ON THE AGGREGATE ANNUAL SALARY PAYABLE TO**~~

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

9 cont

(II) "AGGREGATE ANNUAL EARNABLE COMPENSATION" INCLUDES ANY ACTUARIAL ASSUMED SALARY INCREASES THAT WERE USED IN THE ACTUARIAL VALUATION PREPARED UNDER § 21–125(B) OF THIS TITLE FOR THE IMMEDIATE PRIOR FISCAL YEAR.

[(2)**] (3)** "Preliminary funding rate" means the sum of:

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

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

[(3)**] (4)** "Funding ratio for the employees' systems" means the actuarial value of assets for the employees' systems divided by the actuarial accrued liability for the employees' systems.

[(4)**] (5)** "Funding ratio for the teachers' systems" means the actuarial value of assets for the teachers' systems divided by the actuarial accrued liability for the teachers' systems.

(6) "LOCAL EMPLOYEE" MEANS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO IS~~:~~

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

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

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

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

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

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

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

9 cont

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

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

(7) "LOCAL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

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

~~(8)~~ **(9)** **"TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO ~~THE~~ ALL LOCAL EMPLOYEES ~~OF EACH COUNTY~~.**

9 cont

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

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

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

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

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

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

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

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

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

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

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

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

9 cont

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

LOCAL EMPLOYER	FISCAL YEAR 2013	FISCAL YEAR 2014	FISCAL YEAR 2015	FISCAL YEAR 2016
ALLEGANY	743,871	1,450,580	2,128,645	2,773,677
ANNE ARUNDEL	5,746,842	11,206,590	16,445,043	21,428,297
BALTIMORE CITY	6,461,431	12,600,071	18,489,897	24,092,793
BALTIMORE	7,877,901	15,362,248	22,543,237	29,374,395
CALVERT	1,417,969	2,765,101	4,057,630	5,287,193
CAROLINE	396,967	774,103	1,135,953	1,480,175
CARROLL	2,002,891	3,905,724	5,731,431	7,468,196
CECIL	1,229,909	2,398,376	3,519,483	4,585,973
CHARLES	1,968,258	3,838,189	5,632,327	7,339,061
DORCHESTER	328,271	640,143	939,375	1,224,028
FREDERICK	2,946,731	5,746,252	8,432,303	10,987,499
GARRETT	332,357	648,110	951,066	1,239,262
HARFORD	2,764,870	5,391,617	7,911,896	10,309,396
HOWARD	4,910,533	9,575,752	14,051,879	18,309,945
KENT	183,073	357,001	523,879	682,628
MONTGOMERY	13,613,776	26,547,453	38,956,900	50,761,802
PRINCE GEORGE'S	9,777,290	19,066,138	27,978,489	36,456,662
QUEEN ANNE'S	552,763	1,077,912	1,581,776	2,061,093
ST. MARY'S	1,242,849	2,423,608	3,556,510	4,634,220
SOMERSET	240,062	468,131	686,956	895,121
TALBOT	314,228	612,758	899,189	1,171,665
WASHINGTON	1,547,056	3,016,827	4,427,024	5,768,522
WICOMICO	1,086,797	2,119,301	3,109,955	4,052,348
WORCESTER	635,780	1,239,799	1,819,336	2,370,640

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

9 cont

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

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

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

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

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

21–308.

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

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

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

21–309.1.

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

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

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

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

9 cont

~~**(3)**~~ **(2) "LOCAL EMPLOYEE" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.**

~~**(4) "REINVESTED SAVINGS" MEANS THE PORTION OF THE AMOUNT PROVIDED FOR IN § 21–308(A)(4)(II) OF THIS SUBTITLE THAT IS ATTRIBUTABLE TO THE LOCAL EMPLOYEES OF THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM BASED ON EARNABLE COMPENSATION.**~~

(3) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.

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

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

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

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

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

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

~~(E) (1)~~ (C) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 1, AND JUNE 1 OF EACH FISCAL YEAR, EACH ~~COUNTY~~ LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE ~~COUNTY~~ LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION ~~(D)~~ (B) OF THIS SECTION.

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

9 cont

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

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

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

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

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

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

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

9 cont

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

Article – Tax – General

2–608.

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

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

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

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

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

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

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

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

2–1104.

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

(1) to the General Fund of the State:

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

8 cont

(II) $13,000,000 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2012;

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

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

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

Article – Transportation

4–321.

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

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

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

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

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

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

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

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

5–415.

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

18

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

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

18 cont

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

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

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

(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:

(1) SET THE AMBULANCE TRANSPORT FEE; AND

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

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

(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD–PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND

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

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

7–208.

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

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

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

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

12–118.

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

Chapter 193 of the Acts of 2005

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

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(1) except as provided in [item (4)] **ITEMS (4) AND (5)** of this section, any changes to the core set of performance measures and the methodology for penalties, rewards, disincentives, or incentives shall be adopted by regulation prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(2) except as provided in item (4) of this section, the Secretary of Health and Mental Hygiene shall notify managed care organizations of the core set of performance measures and targets at least 3 months prior to the calendar year for

which the managed care organizations will be held accountable for compliance with the performance measures;

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

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

20 cont

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

Chapter 2 of the Acts of the Special Session of 2007

SECTION 13. AND BE IT FURTHER ENACTED, That:

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

Chapter 397 of the Acts of 2011

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

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

~~**Article – Tax – General**~~

~~10–211.~~

8 cont

~~(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**~~

8 cont

~~(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:~~

8 cont

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

~~(2) further reduced by any amount deducted under § 170 of the Internal Revenue Code for contributions of a preservation or conservation easement for which a credit is claimed under § 10–723 of this title; **[**and**]**~~

~~(3) further reduced by the amount claimed as taxes on income paid to a state or political subdivision of a state, after subtracting a pro rata portion of the reduction to itemized deductions required under § 68 of the Internal Revenue Code;~~ **~~AND~~**

~~(4) FURTHER REDUCED AS FOLLOWS:~~

~~(I) BY 10% IF AN INDIVIDUAL'S MARYLAND ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $100,000 BUT NOT GREATER THAN $200,000; AND~~

~~(II) BY 20% IF AN INDIVIDUAL'S MARYLAND ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN $200,000.~~

8 cont

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

~~Article – Tax – General~~

~~2–1104.~~

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

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

~~(i) $5,000,000 for each fiscal year beginning on or before July 1,~~ **[**~~2014~~**] 2011;**

~~(II) $13,000,000 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2012;~~

~~(III) $5,000,000 FOR EACH FISCAL YEAR BEGINNING ON OR BEFORE JULY 1, 2014~~~~; and~~

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

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

~~11–101.~~

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

~~(b) "Buyer" means a person who:~~

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

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

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

~~(c) "Cleaning of a commercial or industrial building" means the following services performed to a commercial or industrial building:~~

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

~~(2) janitorial services.~~

8 cont

~~(D) (1) "DIGITAL CODE" MEANS A CODE THAT:~~

~~(I) MAY BE OBTAINED:~~

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

~~2. THROUGH ELECTRONIC MAIL; AND~~

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

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

~~(E) (1) "DIGITAL PRODUCT" MEANS A PRODUCT THAT IS OBTAINED ELECTRONICALLY BY THE BUYER AND DELIVERED BY MEANS OTHER THAN TANGIBLE STORAGE MEDIA THROUGH THE USE OF TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.~~

~~(2) "DIGITAL PRODUCT" INCLUDES:~~

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

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

~~**2. AUDIO GREETING CARDS SENT BY ELECTRONIC MAIL;**~~

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

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

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

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

8 cont

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

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

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

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

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

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

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

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

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

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

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

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

8 cont

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

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

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

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

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

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

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

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

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

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

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

~~**(III) DIGITAL PRODUCTS.**~~

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

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

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

8 cont

~~**(III) A SALE OF A DIGITAL PRODUCT THAT IS SOLD WITH RIGHTS OF PERMANENT USE OR SOLD WITH RIGHTS OF LESS THAN PERMANENT USE;**~~

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

~~**(V) A SALE OF A SUBSCRIPTION TO, ACCESS TO, OR THE PURCHASE OF A DIGITAL CODE FOR RECEIVING OR ACCESSING DIGITAL PRODUCTS.**~~

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

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

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

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

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

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

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

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

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

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

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

8 cont

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

~~(2) "Sale" does not include a transaction whereby an employee performs a service for the employee's employer.~~

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

~~[(k)] (M) (1) "Tangible personal property" means:~~

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

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

~~(2) "Tangible personal property" includes:~~

~~(i) farm equipment;~~

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

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

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

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

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

~~(iii) any property sold.~~

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

8 cont

~~(3) "Taxable price" does not include:~~

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

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

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

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

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

~~5. a professional service;~~

~~6. a tax:~~

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

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

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

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

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

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

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

~~1. an air brake system;~~

~~2. an engine;~~

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

~~4. a transmission; or~~

8 cont

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

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

~~[(m)] (O) "Taxable service" means:~~

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

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

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

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

~~(5) "900", "976", "915", and other "900"–type telecommunications service;~~

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

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

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

~~(9) credit reporting;~~

8 cont

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 cont

[(o)**] (Q)** ~~(1) "Vendor" means a person who:~~

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

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

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

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

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

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

~~11–102.~~

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

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

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

~~11–217.~~

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

8 cont

~~11–221.~~

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

~~11–701.~~

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

~~(2) "Engage in the business of an out–of–state vendor" includes:~~

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

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

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

~~**11–701.1.**~~

~~**(A) IN THIS SECTION, "SELLER" MEANS A PERSON MAKING SALES OF TANGIBLE PERSONAL PROPERTY, A DIGITAL PRODUCT, OR A TAXABLE SERVICE.**~~

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

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

8 cont

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

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

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

~~12–105.~~

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

~~**Article – Tax – Property**~~

~~12–105.~~

~~(f) (7) (I) IN THIS PARAGRAPH, "INDEMNITY MORTGAGE" INCLUDES ANY MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST IN REAL PROPERTY THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR WHICH THE GUARANTOR IS NOT PRIMARILY LIABLE.~~

~~(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH:~~

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

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

~~(III) THIS PARAGRAPH DOES NOT APPLY:~~ 8 cont

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

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

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

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 11–202, 11–213, and 11–214.1 of Article – Tax – General of the Annotated Code of Maryland be repealed.~~ 8 cont

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

Article – Education

5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694; 25

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

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

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

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

C. 5%; or

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

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

(iv) **IN FISCAL YEAR 2013, $6,650; AND** 25 cont

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

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

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

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

C. 1%; or

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

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

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

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

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

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

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

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

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

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

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

10

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

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

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

$320,392 of the funds in the State Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

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

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

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

10 cont

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

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

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

11 cont

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

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

SECTION ~~12.~~ 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer up to ~~$1,867,000~~ $209,000 of the funds in the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of the State Government Article to the Education Trust Fund established under § 9–1A–30 of the State Government Article.

10 cont

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

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

(2) (i) The Governor shall include in the budget bill for fiscal year 2014 the transfer of $2,000,000 from the Fair Campaign Financing Fund to the Maryland Information Technology Development Project Fund (program F50A01.01)

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that was authorized by Section 38 of Chapter 487 of the Acts of 2009 for the purpose of funding the purchase of a new Optical Scan Voting System.

22 cont

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

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

8 cont

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

10 cont

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

12

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

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

~~(1) funding required for State aid to public elementary and secondary education as provided under Title 5, Subtitle 2 or § 4–121, § 4–122, § 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. 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. **2 cont**

SECTION ~~17.~~ 13. 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. 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:~~ **9 cont**

~~Allegany~~	~~2,890,831~~
~~Anne Arundel~~	~~20,349,335~~
~~Baltimore City~~	~~21,893,869~~
~~Baltimore County~~	~~28,184,531~~
~~Calvert~~	~~4,874,186~~
~~Caroline~~	~~1,402,418~~
~~Carroll~~	~~7,019,651~~
~~Cecil~~	~~4,284,094~~
~~Charles~~	~~6,884,597~~
~~Dorchester~~	~~1,154,127~~
~~Frederick~~	~~10,281,577~~
~~Garrett~~	~~1,210,268~~
~~Harford~~	~~9,824,156~~
~~Howard~~	~~17,225,564~~

~~Kent~~	~~641,149~~
~~Montgomery~~	~~47,406,507~~
~~Prince George's~~	~~34,062,796~~
~~Queen Anne's~~	~~1,923,341~~
~~St. Mary's~~	~~4,287,204~~
~~Somerset~~	~~836,461~~
~~Talbot~~	~~1,121,726~~
~~Washington~~	~~5,530,496~~
~~Wicomico~~	~~3,806,299~~
~~Worcester~~	~~2,222,012~~

9 cont

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

3 cont

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

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

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

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

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

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

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer up to $2,000,000 of the funds in the administrative expense account in the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the Office of Home Energy Programs in the Department of Human Resources established under § 5–5A–02 of the Human Services Article to provide low–income energy assistance. 15

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

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

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

SECTION 20. AND BE IT FURTHER ENACTED, That Section 19 of this Act is contingent on the failure of Sections 5, 6, 7, and 8 of this Act. 25 cont

~~SECTION 20.~~ SECTION 21. AND BE IT FURTHER ENACTED, That for fiscal years 2013 through 2016, in addition to the required maintenance of effort amount calculated under § 5–202(d) of the Education Article, each county shall appropriate to the county board of education the following dollar amounts: 27

County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Allegany	189,796	890,964	1,563,433	2,202,813
Anne Arundel	3,092,946	8,526,156	13,737,805	18,693,987
Baltimore City	451,499	6,530,039	12,359,166	17,900,754
Baltimore	3,479,937	10,920,304	18,056,875	24,843,168
Calvert	900,826	2,242,787	3,530,094	4,754,381
Caroline	107,209	481,447	840,370	1,181,636
Carroll	1,259,058	3,154,453	4,972,647	6,701,824
Cecil	606,569	1,768,803	2,883,613	3,943,744
Charles	1,241,900	3,104,567	4,891,369	6,590,693

Dorchester	45,147	354,188	650,559	932,325
Frederick	1,850,755	4,639,317	7,314,299	9,858,315
Garrett	56,117	369,108	669,273	954,651
Harford	1,303,111	3,915,240	6,420,755	8,803,344
Howard	3,914,319	8,569,576	13,035,641	17,283,545
Kent	37,401	209,872	375,279	532,541
Montgomery	7,397,129	20,268,640	32,615,298	44,356,785
Prince George's	3,153,145	12,375,752	21,221,199	29,631,799
Queen Anne's	263,742	786,001	1,286,946	1,763,315
St. Mary's	641,651	1,816,399	2,943,228	4,014,805
Somerset	0	225,299	441,326	609,677
Talbot	92,359	388,670	672,859	943,072
Washington	647,544	2,108,319	3,509,431	4,841,753
Wicomico	297,377	1,321,987	2,304,668	3,239,008
Worcester	229,927	829,887	1,405,325	1,952,489

27 cont

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

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

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

2 cont

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

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

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