
By: Senator Ferguson

Requested: June 21, 1995

Introduced and read first time: January 10, 1996

Assigned to: Budget and Taxation and Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Elementary and Secondary Education - Limiting Costs of Mandates**

3 FOR the purpose of preventing any bylaw, rule, or regulation that requires county boards
4 of education to expend additional funds in excess of a certain amount from taking
5 effect unless certain conditions are present; defining a certain term; preventing
6 certain programs initiated by the State Board of Education from taking effect unless
7 certain conditions are met; excluding certain items from certain calculations;
8 providing for a certain exception; specifying that the Department of Fiscal Services
9 shall determine the projected cost of implementing the bylaw, rule, or regulation;
10 and generally relating to education funding.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 2-205(c)
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1995 Supplement)

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

18 **Article - Education**

19 2-205.

20 (c) (1) The State Board shall adopt bylaws, rules, and regulations for the
21 administration of the public schools.

22 (2) These bylaws, rules, and regulations have the force of law when adopted
23 and published.

24 (3) The bylaws, rules, and regulations apply to each county. However, they
25 do not apply to Baltimore City to the extent that they relate to matters that are the
26 subject of other provisions of this article that do not apply to Baltimore City.

27 (4) (I) IN THIS PARAGRAPH, "PROGRAM" MEANS ANY NEW
28 REQUIREMENT OR A MODIFICATION OF ANY EXISTING REQUIREMENT IMPOSED BY

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1 THE STATE BOARD BY BYLAW, RULE, OR REGULATION THAT REQUIRES
2 ADDITIONAL EXPENDITURES BY COUNTY BOARDS.

3 (II) EXCEPT AS PROVIDED IN PARAGRAPH (8) OF THIS SUBSECTION,
4 IF A PROGRAM ADOPTED BY THE STATE BOARD WILL REQUIRE THE COUNTY
5 BOARDS TO EXPEND ADDITIONAL FUNDS IN EXCESS OF \$1,000,000 PER PROGRAM, AS
6 DETERMINED BY THE DEPARTMENT OF FISCAL SERVICES, THE PROGRAM MAY NOT
7 TAKE EFFECT UNTIL:

8 1. THE STATE PROVIDES FUNDS SPECIFICALLY IDENTIFIED
9 TO REIMBURSE THE COUNTY BOARDS FOR THE EXPENDITURES REQUIRED BY THE
10 PROGRAM; OR

11 2. THE GENERAL ASSEMBLY, BY LAW, WAIVES THE
12 REQUIREMENT FOR REIMBURSEMENT.

13 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND
14 SUBJECT TO PARAGRAPH (8) OF THIS SUBSECTION, A PROGRAM INITIATED BY THE
15 STATE BOARD AND REQUIRING THE COUNTY BOARDS TO EXPEND ADDITIONAL
16 FUNDS IN EXCESS OF \$2,500,000, AS DETERMINED BY THE DEPARTMENT OF FISCAL
17 SERVICES, MAY NOT TAKE EFFECT UNTIL:

18 (I) LEGISLATION SPECIFICALLY AUTHORIZING THE PROGRAM IS
19 PASSED BY THE GENERAL ASSEMBLY; AND

20 (II) LANGUAGE IS INCLUDED IN THE ANNUAL STATE BUDGET
21 REGARDING THE NEW PROGRAM.

22 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A
23 NEW PROGRAM INITIATED BY THE STATE BOARD AND REQUIRING STATE
24 EXPENDITURES IN EXCESS OF \$1,000,000 MAY NOT TAKE EFFECT UNTIL:

25 (I) LEGISLATION SPECIFICALLY AUTHORIZING THE PROGRAM IS
26 PASSED BY THE GENERAL ASSEMBLY; AND

27 (II) LANGUAGE IS INCLUDED IN THE ANNUAL STATE BUDGET
28 REGARDING THE NEW PROGRAM.

29 (7) IN CALCULATING PROGRAM COSTS UNDER PARAGRAPHS (4) AND (5)
30 OF THIS SUBSECTION, THE DEPARTMENT OF FISCAL SERVICES MAY NOT TAKE INTO
31 ACCOUNT EXISTING PERSONNEL COSTS.

32 (8) THE PROVISIONS OF PARAGRAPHS (4), (5), AND (6) OF THIS
33 SUBSECTION DO NOT APPLY TO ANY PROGRAM ADOPTED BY THE STATE BOARD IN
34 ORDER TO COMPLY WITH FEDERAL STATUTES OR REGULATIONS.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1996.