

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 393

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 4, strike “a public corporation” and substitute “an independent unit in the Office of the Governor”; in line 9, after “circumstances;” insert “prohibiting the Commission from issuing certain tax-exempt bonds; limiting the aggregate principal balance of the bonds that the Commission may have outstanding and unpaid at any time; exempting the bonds from taxation by the State and local governments; providing for the issuance, sale, and repayment of the bonds;”; in line 11, after “Commission;” insert “requiring the Governor to include a certain proposed General Fund appropriation for each fiscal year to the Commission;”; and in line 13, after “provisions;” insert “requiring the Commission to undertake certain activities relating to the reconstruction of a certain religious structure;”.

AMENDMENT NO. 2

On page 3, after line 3, insert:

“WHEREAS, Many Maryland and national “firsts” occurred at St. Mary’s City, it being the place where:

(a) The separation of church and state was first practiced in the United States starting in 1634;

(b) Mathias De Sousa was the first man of African descent to vote in a legislature in 1645;

(c) The first woman’s request for the right to vote was voiced by Margaret Brent in 1647; and

(d) The first religious tolerance act was adopted in 1649; and

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WHEREAS, Historic St. Mary's City is one of the oldest and best preserved early colonial town sites remaining in America; the first Roman Catholic chapel in the English colonies was established there in 1635; the first use of town planning came in 1668; and the first printing press in the southern colonies came in 1685; and

WHEREAS, Events of tremendous historical significance to the development of the State of Maryland occurred at St. Mary's City, including: the first State House of Maryland in 1634; the first industries in Maryland - brick making and iron works - were established in the 1630s, the first mill operated in Maryland in 1635, and the first public inn opened in Maryland in 1638; the first Anglican church in Maryland in 1643; and the first official city in Maryland in 1668; and"

AMENDMENT NO. 3

On page 9, strike in their entirety lines 13 through 34, inclusive; and in line 35, strike "(3)" and substitute "(2)".

On page 10, in lines 1, 8, 14, 18, 23, and 27, strike "(4)", "(5)", "(6)", "(7)", "(8)", and "(9)", respectively, and substitute "(3)", "(4)", "(5)", "(6)", "(7)", and "(8)", respectively.

AMENDMENT NO. 4

On page 19, in line 18, strike "ATTORNEYS,".

AMENDMENT NO. 5

On page 30, in line 14, strike "14-204(h)" and substitute "14-404(h)".

AMENDMENT NO. 6

On page 30, after line 35, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That the Historic St. Mary's City Commission shall:

(1) Assure that religious toleration, and the distinctive role of St. Mary's City in the development of religious toleration in our nation's history, is a key element of its educational programs and public presentations;

(2) Focus on the reconstruction of the first Roman Catholic Chapel in the English colonies as its next primary development objective; and

(3) Request the Historic St. Mary’s City Foundation, a private nonprofit corporation, to undertake the Chapel reconstruction and raise private funds for the project in order to avoid any constitutional problems with reconstruction of a religious structure and to expedite the reconstruction of this important historical structure.”.

AMENDMENT NO. 7

On page 10, in line 19, strike “A PUBLIC CORPORATION” and substitute “AN INDEPENDENT UNIT”.

On page 11, in line 9, strike “CORPORATE”; strike beginning with “ANNUAL” in line 10 down through “OTHER” in line 11 and substitute “ANY”; strike beginning with “AS” in line 11 down through “EXISTENCE” in line 12; in line 15, strike “ASSURE THAT” and substitute “FACILITATE THE SUPPORT OF”; in the same line, strike “IS SUPPORTED”; strike beginning with “, AND” in line 21 down through “CITY” in line 24; and in line 26, strike “MECHANISMS”.

On page 12, strike beginning with “AND” in line 24 down through “ADOPT” in line 26 and substitute “TO BE KNOWN AS THE HISTORIC ST. MARY’S COMMISSION OR ANY NAME THAT THE COMMISSION MAY ADOPT”; in line 27, strike “SUCH”; in the same line, strike “, TITLE, OR STYLE”; and after line 33, insert:

“(5) THE COMMISSION IS AN INDEPENDENT UNIT IN THE EXECUTIVE BRANCH OF GOVERNMENT THAT OPERATES IN THE OFFICE OF THE GOVERNOR.”.

AMENDMENT NO. 8

On page 16, strike beginning with the third “THE” in line 21 down through “IS” in line 22.

On page 20, strike in their entirety lines 3 through 5, inclusive, and substitute:

“(D) (1) AS THE COMMISSION CONSIDERS APPROPRIATE, THE COMMISSION MAY REQUEST OTHER UNITS OF STATE GOVERNMENT TO DETAIL STAFF TO THE COMMISSION.

(2) AS PROVIDED IN THE STATE BUDGET:

(I) THE ATTORNEY GENERAL SHALL PROVIDE LEGAL COUNSEL AND SERVICES TO THE COMMISSION; AND

(II) OTHER UNITS OF STATE GOVERNMENT MAY DETAIL STAFF OR TECHNICAL ASSISTANCE TO THE COMMISSION ON REQUEST OF THE COMMISSION.

(E) (1) AN EMPLOYEE OF THE COMMISSION:

(I) IS SUBJECT TO THE RULES AND PROCEDURES OF THE PERSONNEL SYSTEM ESTABLISHED UNDER § 14-408 OF THE EDUCATION ARTICLE; AND

(II) IS ENTITLED TO PARTICIPATE IN THE HEALTH BENEFIT PLANS, INCLUDING MEDICAL, PRESCRIPTION, DENTAL, MENTAL HEALTH, SUBSTANCE ABUSE, AND VISION PLANS, TERM LIFE AND PERSONAL ACCIDENT AND DISMEMBERMENT INSURANCE PLANS, FLEXIBLE SPENDING ACCOUNTS, AND ANY OTHER BENEFITS ESTABLISHED UNDER § 14-408 OF THE EDUCATION ARTICLE.

(2) (I) AN EMPLOYEE OF THE COMMISSION IS ENTITLED TO PARTICIPATE IN THE EMPLOYEE PENSION PLANS AUTHORIZED BY AND IN ACCORDANCE WITH § 14-408(C) OF THE EDUCATION ARTICLE.

(II) THE COMMISSION'S OBLIGATION FOR RETIREMENT COSTS FOR COMMISSION EMPLOYEES SHALL BE COMPUTED, CHARGED, AND PAID IN ACCORDANCE WITH § 21-308(B)(1) AND (C)(1) OF THE STATE PERSONNEL AND PENSIONS ARTICLE."

AMENDMENT NO. 9

On page 20, strike in their entirety lines 13 through 34, inclusive, and substitute:

"(3) ALL UNEXPENDED OR UNENCUMBERED BALANCES OF THE FUND:

(I) SHALL BE REPORTED TO THE COMPTROLLER AT THE END OF

THE FISCAL YEAR FOR WHICH THE APPROPRIATION WAS MADE;

(II) DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER SPECIAL FUND OF THE STATE; AND

(III) SHALL BE AVAILABLE FOR EXPENDITURE THROUGH AN APPROPRIATION CONTAINED IN A BUDGET BILL OR THROUGH AN APPROVED BUDGET AMENDMENT.

(4) THE COMMISSION SHALL USE THE FUND AS A CONTINUING, NONLAPSING, REVOLVING FUND FOR CARRYING OUT THE PURPOSES OF THIS SUBTITLE.

(B) THE FUND CONSISTS OF:

(1) ANY GENERAL FUNDS APPROPRIATED TO THE COMMISSION;

(2) ANY FEES COLLECTED BY THE COMMISSION; AND

(3) EXCEPT AS PROVIDED IN SUBSECTION (C)(3) OF THIS SECTION, ANY ADDITIONAL MONEYS RECEIVED OR PAID TO THE COMMISSION FROM ANY OTHER SOURCE AUTHORIZED BY LAW.

(C)(1) THE COMMISSION SHALL PAY ALL EXPENSES AND MAKE ALL EXPENDITURES FROM THE FUND.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, EXPENDITURES FROM THE FUND SHALL BE MADE PURSUANT TO AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET OR BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) (I) THE COMMISSION MAY ACCEPT AND SPEND ANY GIFT, BEQUEST, DONATION, ENDOWMENT, OR LEGACY FROM ANY PERSON IN ACCORDANCE WITH

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THE TERMS OR CONDITIONS OF THE GIFT, BEQUEST, DONATION, ENDOWMENT, OR LEGACY.

(II) ALL FUNDS RECEIVED FROM ANY GIFT, BEQUEST, DONATION, ENDOWMENT, OR LEGACY SHALL BE HELD BY THE STATE TREASURER IN A NONBUDGETED ACCOUNT AND MAY BE INVESTED AS THE COMMISSION DIRECTS IN ACCORDANCE WITH LAW.

(III) ALL RECEIPTS OF AND EXPENDITURES FROM THE NONBUDGETED ACCOUNT:

1. SHALL BE REPORTED ANNUALLY TO THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR INCLUSION FOR INFORMATION PURPOSES IN THE STATE BUDGET BOOK; AND

2. ARE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR.

(D) (1) THE COMMISSION MAY PLEDGE AND CHARGE ALL OR A PORTION OF THE RECEIPTS OF THE FUND FOR THE PAYMENT OF:

(I) DEBT SERVICE ON BONDS OF THE AUTHORITY; AND

(II) ALL REASONABLE CHARGES AND EXPENSES RELATED TO BORROWING BY THE COMMISSION AND MANAGEMENT OF THE OBLIGATIONS OF THE COMMISSION.

(2) A PLEDGE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS EFFECTIVE AS PROVIDED IN § 24-520 OF THIS SUBTITLE AND ANY APPLICABLE RESOLUTION OF THE COMMISSION.

(E) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A PROPOSED GENERAL FUND APPROPRIATION TO THE COMMISSION IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GENERAL FUND OPERATING APPROPRIATION TO THE COMMISSION INCLUDED IN THE STATE BUDGET FOR FISCAL YEAR 1998 AS PASSED BY THE GENERAL ASSEMBLY.”;

in line 35, strike “(2)” and substitute “(F)(1)”; and after line 38, insert:

“(2) ALL FEES COLLECTED SHALL BE DEPOSITED IN THE HISTORIC ST. MARY’S CITY FUND.”.

On page 21, in line 1, strike “(D)” and substitute “(G)”; strike beginning with “DEPARTMENT” in line 5 down through “GRANT” in line 10 and substitute “GOVERNOR FOR INCLUSION IN THE STATE BUDGET”; strike in their entirety lines 11 through 15, inclusive; in line 16, strike “(4)” and substitute “(3) SUBJECT TO THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,”; strike beginning with “NOTWITHSTANDING” in line 20 down through “THEREON.” in line 23; and strike in their entirety lines 24 through 42, inclusive.

AMENDMENT NO. 10

On page 22, strike beginning with the second “OR” in line 5 down through “CITY” in line 7; in line 17, after “ANY” insert “OTHER”.

On page 24, in line 24, before the first “THE” insert “SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS,”.

AMENDMENT NO. 11

On pages 24 and 25, strike in their entirety the lines beginning with line 36 on page 24 through line 6 on page 25, inclusive, and substitute:

“(B)(1) THE COMMISSION MAY ISSUE BONDS ONLY IF IT DETERMINES THAT THE ISSUANCE IS NECESSARY TO ACHIEVE THE PURPOSES OF THIS SUBTITLE.

(2) THE DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE BY THE CHAIRMAN OF THE COMMISSION.

(C) (1) THE COMMISSION SHALL SUBMIT EACH PROPOSED ISSUE OF BONDS TO THE BOARD OF PUBLIC WORKS AND SHALL OBTAIN THE APPROVAL OF THE BOARD

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OF PUBLIC WORKS FOR THE PROPOSED ISSUE PRIOR TO SALE OF THE BONDS.

(2) IN SUBMITTING A PROPOSAL TO ISSUE BONDS TO THE BOARD OF PUBLIC WORKS, THE COMMISSION SHALL IDENTIFY THE SOURCE OF REVENUE THAT SUPPORTS THE DEBT SERVICE ON THE BONDS.

(3) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE THE ISSUANCE OF BONDS BY THE COMMISSION THAT WILL RESULT IN MORE THAN \$3,000,000 IN AN AGGREGATE OUTSTANDING AND UNPAID PRINCIPAL BALANCE OF BONDS FOR THE COMMISSION AT ANY TIME.

(D) EXCEPT AS OTHERWISE EXPRESSLY REQUIRED BY THIS SUBTITLE, THE COMMISSION MAY ISSUE THE BONDS OR NOTES WITHOUT:

(1) OBTAINING THE CONSENT OF ANY OTHER UNIT OF STATE GOVERNMENT;

(2) ANY PROCEEDINGS; OR

(3) THE OCCURRENCE OF ANY CONDITIONS.”.

On page 25, in line 7, strike “(D)” and substitute “(E)(1) THE COMMISSION SHALL BY RESOLUTION AUTHORIZE ANY BONDS THAT IT ISSUES.”

(2)”;

in line 11, strike “(E)” and substitute “(F)”; in line 38, after “(3)” insert “SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS,”; and in line 39, after “PROPERTY” insert “WITHIN THE ENCLAVE OF HISTORIC ST. MARY’S CITY AND ST. MARY’S COLLEGE”.

On page 26, strike beginning with “THE” in line 5 down through “COMMISSION” in line 6 and substitute “30 YEARS FROM THEIR RESPECTIVE DATES OF ISSUE”; in line 31, after “8-208,” insert “AND”; and in the same line, strike “, AND 8-213 THROUGH 8-221”.

On page 27, in line 22, strike “OR” and substitute “OF”; in line 32, strike “SHALL BE” and substitute “MAY BE MADE”; and in line 38, strike “ARE” and substitute “MAY BE MADE”.

On page 29, in line 7, after “(B)” insert:

“(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,”;

and after line 10, insert:

“(2) THE COMMISSION MAY NOT ISSUE TAX-EXEMPT PRIVATE ACTIVITY BONDS THAT ARE SUBJECT TO THE VOLUME CAP UNDER § 146 OF THE INTERNAL REVENUE CODE.”.

AMENDMENT NO. 12

On page 29, in line 20, strike “, a public corporation,”; strike beginning with “From” in line 24 down through “Maryland.” in line 30; strike in their entirety lines 31 through 37, inclusive; and in line 38, strike “4.” and substitute “3.”.

On page 30, in lines 6, 11, 16, 21, and 27, strike “5.”, “6.”, “7.”, “8.”, and “9.”, respectively, and substitute “4.”, “5.”, “6.”, “7.”, and “8.”, respectively; strike beginning with “For” in line 9 down through “year.” in line 10; and strike beginning with “a” in line 18 down through the second period in line 20 and substitute “the Historic St. Mary’s City Fund established under § 24-511 of the Education Article.”.