

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL NO. 1212

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 6 down through “review;” in line 8 and substitute “altering the conditions under which certain deductions may be made from State funds that would otherwise be paid to a school system; providing that a certain decision issued by the Office of Administrative Hearings is the final finding of fact and conclusion of law and binding on all parties and is not subject to judicial review;”.

AMENDMENT NO. 2

On page 2, in lines 7 and 8, in each instance, strike the bracket; strike beginning with “REFER” in line 8 down through “JUDGE” in line 9 and substitute “WHO IS AN ATTORNEY”.

On page 2, strike in their entirety lines 10 through 12, inclusive; in line 13, in each instance, strike the brackets; in the same line, strike “(III)”; in the same line, strike “ADMINISTRATIVE LAW JUDGE”; and strike beginning with “, INCLUDING” in line 14 down through “LAW,” in line 15; and in line 16, strike “final”.

AMENDMENT NO. 3

On page 2, after line 16, insert:

“(III) SHOULD A LOCAL SCHOOL SYSTEM REQUEST A TRANSCRIPT OF AN AUDIT APPEALS HEARING, THE LOCAL SCHOOL SYSTEM SHALL PROVIDE AND PAY FOR THE PRODUCTION OF THE TRANSCRIPT.”;

strike beginning with “If” in line 17 down through “at” in line 20 and substitute “AT”; in line 22, strike “system.” and substitute “SYSTEM IF:”

(I) A LOCAL SCHOOL SYSTEM DOES NOT APPEAL TO THE

(Over)

SECRETARY OF BUDGET AND MANAGEMENT OR TO THE OFFICE OF ADMINISTRATIVE HEARINGS; OR

(II) THE OFFICE OF ADMINISTRATIVE HEARINGS DETERMINES THAT THE STATE IS DUE REIMBURSEMENT FOR EXCESS PAYMENTS AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.”;

and after line 24, insert:

“(3) (I) THE LOCAL SCHOOL SYSTEM MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS A DETERMINATION BY THE SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT REGARDING THE AMOUNT, IF ANY, OF THE STATE OVERPAYMENT.

(II) WITHIN 45 DAYS AFTER THE CLOSE OF THE HEARING RECORD, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE A WRITTEN DECISION TO THE PARTIES AND MAY GRANT ANY APPROPRIATE REMEDY.

(III) THE WRITTEN DECISION ISSUED BY THE OFFICE OF ADMINISTRATIVE HEARINGS IS THE FINAL FINDING OF FACT AND CONCLUSION OF LAW AND BINDING ON ALL PARTIES AND IS NOT SUBJECT TO JUDICIAL REVIEW.”.