
By: **Delegates Hixson and Conway**
Introduced and read first time: February 3, 2005
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - State Aid for Public Elementary and Secondary Education -**
3 **Trigger Provision - Repeal**

4 FOR the purpose of repealing a provision of law that makes certain State aid for
5 public elementary and secondary education contingent on the adoption of a
6 certain joint resolution by the General Assembly; repealing a provision of law
7 limiting certain State aid for education to a certain amount if the joint
8 resolution is not adopted; making this Act an emergency measure; repealing a
9 provision requiring the Department of Legislative Services to calculate certain
10 State aid for public elementary and secondary education in a certain manner;
11 and generally relating to the repeal of certain provisions relating to certain
12 State aid for public elementary and secondary education.

13 BY repealing
14 Article - Education
15 Section 5-202(c)
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2004 Supplement)

18 BY renumbering
19 Article - Education
20 Section 5-202(d), (e), (f), (g), and (h), respectively
21 to be Section 5-202(c), (d), (e), (f), and (g), respectively
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2004 Supplement)

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

1

Article - Education

2 5-202.

3 [(c) (1) If State aid for public elementary and secondary education exceeds
4 31.5% of the projected general funds of the State in any fiscal year, then the amount
5 required for the annual per pupil foundation amount may not be implemented for the
6 next fiscal year unless the General Assembly, at the regular session immediately
7 preceding that next fiscal year, affirms by joint resolution that the additional State
8 aid required using the annual per pupil foundation amount is within the State's fiscal
9 resources.

10 (2) As provided under paragraph (1) of this subsection, if State aid for
11 public elementary and secondary education exceeds the percentage amount specified
12 and a joint resolution of affirmation is not enacted by the General Assembly, then the
13 annual per pupil foundation amount in which the State shall share for the next fiscal
14 year shall be the lesser of the annual per pupil foundation amount for the fiscal year
15 or an amount equal to 108 percent of the prior year's annual per pupil foundation
16 amount.

17 (3) By January 14 of each year, the Department of Legislative Services
18 shall calculate State aid as a percentage of the projected State General Fund
19 revenues for the current fiscal year. State aid shall include State funds provided to
20 the county boards whether pursuant to formula or on a grant basis and State
21 payments on behalf of the county boards such as retirement and debt service for State
22 bonds for school construction.]

23 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-202(d), (e),
24 (f), (g), and (h), respectively, of Article - Education of the Annotated Code of Maryland
25 be renumbered to be Section(s) 5-202(c), (d), (e), (f), and (g), respectively.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an
27 emergency measure, is necessary for the immediate preservation of the public health
28 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
29 members elected to each of the two Houses of the General Assembly, and shall take
30 effect from the date it is enacted.