

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 101
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 18, after “manner;” insert “altering the distribution of the income tax revenue from corporations for a certain fiscal year;”; in line 25, before “repealing” insert “altering certain provisions relating to the funding of a certain highway;”; in line 28, after “lottery” insert “for certain fiscal years”; and in line 30, after “circumstances;” insert “providing certain modifications to federal adjusted gross income of an individual or federal taxable income of a corporation for Maryland income tax purposes relating to certain income from the discharge of indebtedness;”.

On page 3, in line 13, after “years;” insert “altering the distribution of certain highway user revenues;”; strike beginning with “reducing” in line 14 down through “Fund;” in line 17; in line 19, strike the second “the”; in line 20, strike “providing for a payment of” and substitute “requiring the Governor to appropriate”; in line 21, after “and” insert “providing for”; and in line 23, after “years;” insert “stating the findings of the General Assembly that a certain fund cannot operate as originally contemplated and authorizing the transfer of certain amounts from the fund to be used for a certain purpose; restricting the use of certain funds to certain purposes; requiring the Department of Budget and Management to take certain actions in the development of a new statewide personnel management system; requiring that certain costs be allocated and charged back to State agencies for certain fiscal years in a certain manner; requiring the Governor to include a certain charge back in the State budget for a certain fiscal year; authorizing a county to request a waiver from certain maintenance of education spending requirements for a certain fiscal year under certain circumstances; providing for the calculation of certain maintenance of education spending requirements under certain circumstances; stating certain intent of the General Assembly that certain legislation be enacted under certain circumstances; requiring the Maryland Higher Education Commission to incorporate into a certain plan and implement certain recommendations to a certain extent;”

(Over)

specifying the distribution of certain corporate income tax revenues; reducing certain funds to be disbursed to the Prince George's County Board of Education, subject to a certain contingency; authorizing certain departments and a certain federal agency to share certain information and records for certain purposes;”.

AMENDMENT NO. 2

On page 4, in line 1, after “Section” insert “5-202(a)(13) and (e)(3), 5-205(c)(3),”; in the same line, after “8-415(d)(3),” insert “15-106.6(b)(9),”; in lines 1 and 2, strike “16-305(c)(1)(i), 16-512(a)(1), 17-104(a)” and substitute “16-305(c)(1), 16-512(a), 17-104(a) and (d)”; and after line 4, insert:

“BY adding to

Article - Education

Section 5-202(d)(7)(v)

Annotated Code of Maryland
(2008 Replacement Volume)”.

On page 5, in line 23, after “2-608,” insert “2-613.1,”; after line 25, insert:

“BY repealing and reenacting, without amendments,

Article - Tax - General

Section 10-310

Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)”;

and in line 38, after “4-321(e)” insert “and 8-403”.

On page 6, in line 20, after “(g)” insert “and (j)”.

AMENDMENT NO. 3

On page 8, in line 8, strike “(1)”; in the same line, strike “FISCAL YEARS 2010 AND 2011” and substitute “FISCAL YEAR 2011 AND EACH FISCAL YEAR THEREAFTER”; in line 10, strike the brackets; in the same line, strike “\$4,900,000”; and strike in their entirety lines 11 and 17, inclusive.

AMENDMENT NO. 4

On page 14, in lines 24 and 34, strike “23.4%” and “26%”, respectively, and substitute “23.6%” and “25%”, respectively; and in lines 27, 32, and 37, in each instance, strike “previous” and substitute “SAME”.

On page 15, in line 2, strike “28%” and substitute “27%”; in line 6, strike “previous” and substitute “SAME”; in line 14, strike “30%” and substitute “29%”; in line 19, strike “PREVIOUS” and substitute “SAME”; and after line 19, insert:

“(ii) For purposes of this subsection, the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for [the previous] A fiscal year shall [:

1. Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

2. Reflect any amendments or reductions to the appropriation for the previous fiscal year].”.

AMENDMENT NO. 5

On page 16, in lines 2, 7, 12, 17, and 29, strike “64.6%”, “65%”, “67%”, “69%”, and “71%”, respectively, and substitute “65.1%”, “65.5%”, “66%”, “67%”, and “68.5%”, respectively; in lines 5, 10, 15, and 21, in each instance, strike “previous” and substitute “SAME”; in line 34, strike “PREVIOUS” and substitute “SAME”; and after line 34, insert:

“(2) For purposes of this subsection, the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for [the previous] A fiscal year shall [:

(i) Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

(ii) Reflect any amendments or reductions to the appropriation for the previous fiscal year].”.

AMENDMENT NO. 6

On pages 16 and 17, strike beginning with the colon in line 38 on page 16 down through “The” in line 1 on page 17 and substitute “**THE**”.

On page 17, in line 4, strike the semicolon; in the same line, strike “**TIMES**” and substitute “**BY:**”; in line 5, strike “(2)”; in the same line, strike “(i)” and substitute “**(1)**”; after line 15, insert:

“(2) 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;”;

in lines 17, 22, 26, 30, and 34, strike “**(II)**”, “**(III)**”, “**(IV)**”, “**(V)**”, and “**(VI)**”, respectively, and substitute “**(3)**”, “**(4)**”, “**(5)**”, “**(6)**”, and “**(7)**”, respectively; in line 17, strike “**EACH OF FISCAL YEARS 2010 AND**” and substitute “**FISCAL YEAR**”; in lines 18, 23, 27, 31, and 35, strike “**11.2%**”, “**12.7%**”, “**13.7%**”, “**14.7%**”, and “**16%**”, respectively, and substitute “**13%**”, “**13.5%**”, “**14%**”, “**14.5%**”, and “**15.5%**”, respectively; and in lines 21, 25, 29, and 33, in each instance, strike “**PRECEDING**” and substitute “**SAME**”.

On page 18, in line 2, strike “PRECEDING” and substitute “SAME”; and after line 2, insert:

“(d) For purposes of this section, the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for [the previous] A fiscal year shall [:

(1) Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

(2) Reflect any amendments or reductions to the appropriation for the previous fiscal year].”

AMENDMENT NO. 7

On page 19, in lines 26 and 28, in each instance, strike “**\$13.50**” and substitute “**\$14.00**”.

AMENDMENT NO. 8

On page 40, in line 2, strike “**\$98,000,000**” and substitute “**\$55,000,000**”; and in line 4, strike “**\$113,913,000**” and substitute “**\$156,913,000**”.

AMENDMENT NO. 9

On page 44, in line 3, after “(1)” insert “**(I)**”; in the same line, strike “During a calendar year, a” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**”; in line 4, strike the brackets; in the same line, strike “**5.0%**”; in line 5, strike “made during that year”; and after line 5, insert:

“**(II) FOR FISCAL YEARS 2010 THROUGH 2012 ONLY, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 5.0% OF THE LICENSED AGENT’S GROSS RECEIPTS FROM TICKET SALES.**”

AMENDMENT NO. 10

On page 48, in line 8, strike “\$30,000,000” and substitute “\$29,000,000”.

AMENDMENT NO. 11

On page 49, in line 9, strike “\$1,656,101” and substitute “\$1,605,035”.

AMENDMENT NO. 12

On page 50, in line 1, strike “\$15,000,000” and substitute “\$10,000,000”.

AMENDMENT NO. 13

On page 51, in line 19, after “counties” insert “and municipalities”.

On page 52, after line 3, insert:

“(c) For purposes of determining a municipality’s net share of highway user revenues under § 8-405 of the Transportation Article:

(1) 31.63% of the reduction specified under subsection (b) of this section shall be deducted from the gross share of highway user revenues allocated to the county within which the municipality is located;

(2) 68.37% of the reduction specified under subsection (b) of this section shall be deducted from the net share of highway user revenues allocated to the county within which the municipality is located; and

(3) the municipality’s net share of highway user revenues shall be determined based on the gross share of highway user revenues allocated to the county within which the municipality is located, calculated after the deduction under item (1) of this subsection but before the deduction under item (2) of this subsection.”

AMENDMENT NO. 14

On page 56, in line 25, after “notwithstanding” insert “ §§ 8–403 through 8-405 of the Transportation Article or”; in line 26, after “law” insert “, for fiscal year 2010 only”; and strike in their entirety lines 27 through 29, inclusive, and substitute:

“(a) \$60,000,000 of the amounts otherwise required to be distributed to Baltimore City and the counties under § 8–403 of the Transportation Article shall be distributed instead to the General Fund; and

(b) The amount to be distributed to Baltimore City under § 8–403(a) of the Transportation Article and each county’s net share of highway user revenues shall be reduced by the following amounts:”.

On page 57, after line 9, insert:

“(c) Each municipality’s net share of highway user revenues under § 8-405 of the Transportation Article shall be determined based on the gross share of highway user revenues allocated under § 8-404 of the Transportation Article to the county within which the municipality is located, calculated before making the reductions specified under this section.”;

and strike in their entirety lines 10 through 18, inclusive.

AMENDMENT NO. 15

On page 52, in line 14, after “affect” insert “:

(1)”;

in line 15, strike the second “or” and substitute “;

(2)”;

and in line 17, after “Maryland” insert “; or

(3) financial incentives awarded in accordance with § 21-118.1 of the State Personnel and Pensions Article”.

AMENDMENT NO. 16

On page 57, before line 19, insert:

“SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) On or before June 30, 2009, the Governor may transfer to the General Fund \$70,000,000 of the unencumbered balance of the funds for State land acquisition under Program Open Space in the special fund established under § 13–209 of the Tax – Property Article.

(b) 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.”;

in lines 19 and 34, strike “30.” and “31.”, respectively, and substitute “32.” and “33.”, respectively; in line 21, after “2009.” insert “in addition to amounts transferred under Section 31 of this Act.”; and in line 37, strike “\$46,955,634” and substitute “\$30,971,139”.

On page 58, in lines 3 and 10, in each instance, strike “\$46,955,634” and substitute “\$30,971,139”; strike line 4 in its entirety; and strike line 6 in its entirety.

AMENDMENT NO. 17

On page 8, after line 34, insert:

“5–202.

(a) (13) “Target per pupil foundation amount” means:

(i) In fiscal years 2008, 2009, and 2010, \$6,694; [and]

(ii) [In] EXCEPT AS PROVIDED IN ITEM (III) 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 [previous] 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 [previous] PRIOR fiscal year, the target per pupil foundation amount for the prior fiscal year; AND

(III) IN FISCAL YEAR 2012:

1. THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR INCREASED BY THE SAME PERCENTAGE AS THE LESSER OF:

(Over)

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.

(d) (7) (v) IF THE STATE BOARD OF EDUCATION GRANTS A COUNTY A TEMPORARY WAIVER OR PARTIAL WAIVER FROM THE PROVISIONS OF THIS SUBSECTION FOR ANY FISCAL YEAR, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE COUNTY TO BE ELIGIBLE TO RECEIVE THE STATE SHARE OF THE FOUNDATION PROGRAM FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR OR THE SECOND PRIOR FISCAL YEAR, WHICHEVER IS GREATER.

(e) (3) For fiscal year 2011, and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph (2) of this subsection in THE PRIOR fiscal year [2010].

5-205.

(c) (3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than 3 percent nor more than 8 percent of the amount of the grant for the previous year.

(II) FOR FISCAL YEAR 2012, THE INCREASE IN THE AMOUNT OF A BASE GRANT FOR STUDENT TRANSPORTATION THAT IS BASED ON THE INCREASE IN THE PRIVATE TRANSPORTATION CATEGORY OF THE CONSUMER PRICE INDEX MAY NOT BE MORE THAN 1 PERCENT OF THE AMOUNT OF THE GRANT FOR THE PREVIOUS YEAR.”.

On page 54, in line 31, strike “\$13,454,740” and substitute “\$13,545,740 and the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2012 for the Maryland State Arts Council shall be as determined under § 7-325 of the State Finance and Procurement Article”.

On page 58, after line 12, insert:

“SECTION 34. AND BE IT FURTHER ENACTED, That notwithstanding any provision of law that requires the Governor to include a certain level of funding in the annual budget bill for a specific program or item, and notwithstanding any other provision of law, for fiscal years 2011 and 2012 only:

(a) Except as provided in subsection (b) of this section and except as otherwise provided under 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 2010 appropriation for that item or program as approved in the State budget for fiscal year 2010 as enacted by the General Assembly.

(Over)

(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 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, the Governor is not required to include in the budget bill any appropriation to the Revenue Stabilization Account of the State Reserve Fund otherwise required under § 7-311 of the State Finance and Procurement Article to the extent that the Governor determines that the appropriation would result in the loss of funds otherwise made available to the State under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5)."

AMENDMENT NO. 18

On page 49, in line 34, after "Article;" insert "and".

On page 50, strike beginning with the semicolon in line 2 down through "Article" in line 4.

AMENDMENT NO. 19

On page 55, in line 1, strike "The State shall make a payment of" and substitute "In addition to the appropriation required under the State Foundation Program, the Governor shall appropriate"; in line 2, strike "2010" and substitute "2009"; in lines 7,

28, and 40, in each instance, strike “an intercept” and substitute “a reduction of the appropriation”; in line 26, after “(c)” insert “(1)”; and after line 37, insert:

“(2) For fiscal year 2011, the supplemental grant to a county board required under § 5-202(e) of the Education Article shall equal the supplemental grant received by the county board in fiscal year 2010, as reduced by the amount specified under paragraph (1) of this subsection.”.

AMENDMENT NO. 20

On page 37, in line 5, strike “\$3,000,000” and substitute “\$4,500,000”; in line 6, strike “2011” and substitute “2013”; and in line 8, strike “2010” and substitute “2012”.

AMENDMENT NO. 21

On page 48, in line 27, strike “\$10,000,000” and substitute “\$6,000,000”.

On page 49, in line 32, strike “\$10,000,000” and substitute “\$6,000,000”.

AMENDMENT NO. 22

On page 44, in line 26, strike “and”; and after line 26, insert:

“(4) AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME TO REFLECT THE RECOGNITION OF INCOME FROM DISCHARGE OF INDEBTEDNESS AND THE ALLOWANCE OF ANY DEDUCTION WITH RESPECT TO ORIGINAL ISSUE DISCOUNT WITHOUT REGARD TO § 108(I) OF THE INTERNAL REVENUE CODE; AND”;

in line 27, strike “(4)” and substitute “(5)”; and before line 32, insert:

“10-310.”

In addition to the modifications under §§ 10–305 through 10–309 of this subtitle, to determine Maryland modified income the federal taxable income of a corporation shall be adjusted as provided for an individual under § 10–210.1 of this title.”.

On page 58, in line 28, after “which” insert “§ 108(i).”.

AMENDMENT NO. 23

On page 57, after line 18, insert:

“SECTION 30. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

8–403.

(a) (1) Subject to the limitation under paragraph (2) of this subsection and subject to §§ 3–307 and 3–308 of this article, during each fiscal year, of the total highway user revenues, an amount shall be distributed to Baltimore City equal to the sum of:

(i) The greater of \$157,500,000 or 11.5% of the total highway user revenues for the fiscal year; and

(ii) 11.5% of the amount by which:

1. [30%] **28.5%** of the total highway user revenues for the fiscal year minus the greater of \$157,500,000 or 11.5% of total highway user revenues for the fiscal year; exceeds

2. [30%] 28.5% of the total highway user revenues for the fiscal year that began July 1, 1997 minus the greater of \$157,500,000 or 11.5% of the total highway user revenues for the fiscal year that began July 1, 1997.

[(2) If the amount distributed to Baltimore City under paragraph (1) of this subsection for any fiscal year is less than 12.25% of the total highway user revenues for the fiscal year, the amount distributed to Baltimore City for any subsequent fiscal year that begins before July 1, 2007 may not exceed 12.25% of the total highway user revenues for the fiscal year for which the distribution is made.]

[(3)] (2) The amount distributed under this subsection shall be distributed in monthly installments.

(b) Subject to §§ 3-307 and 3-308 of this article, during each fiscal year, [30%] 28.5% of the total highway user revenues, less the amount distributed to Baltimore City under subsection (a) of this section, shall be distributed to the counties and municipalities of this State at the times specified in § 8-407 of this subtitle.”

On page 58, after line 25, insert:

“SECTION 46. AND BE IT FURTHER ENACTED, That Section 30 of this Act shall take effect July 1, 2011, and shall be applicable to all fiscal years beginning on or after July 1, 2011.”

AMENDMENT NO. 24

On page 14, after line 3, insert:

“15-106.6.

(b) (9) Money in the Fund may be expended only:

(Over)

(i) To supplement General Fund appropriations to public senior higher education institutions AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND;

(ii) For [public senior higher education] capital projects FOR PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND;

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.”.

On page 35, after line 22, insert:

“2-613.1.

After making the distribution required under § 2-613 of this subtitle:

(1) of the remaining income tax revenue from corporations, the Comptroller shall distribute:

(i) for fiscal year 2008 only:

1. \$16,000,000 to the Higher Education Investment Fund established under § 15-106.6 of the Education Article; and

2. the amount by which 15.15% of the remaining income tax revenue from corporations exceeds \$16,000,000 to the General Fund; and

(ii) for [fiscal year] EACH OF FISCAL YEARS 2009 AND 2010
only:

1. 6% to the Higher Education Investment Fund
established under § 15-106.6 of the Education Article; and

2. 9.15% to the General Fund; and

(2) for fiscal year [2010] 2011 and subsequent fiscal years, the
Comptroller shall distribute 15.15% of the remaining income tax revenue from
corporations to the General Fund of the State.”.

AMENDMENT NO. 25

On page 58, before line 13, insert:

“SECTION 36. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that if the General Assembly
determines it to be affordable and fiscally prudent to do so, legislation shall be enacted
to:

(1) make permanent the distribution of corporate income tax revenues
required under § 2-613.1 of the Tax – General Article to the Higher Education
Investment Fund established in §15-106.6 of the Education Article; and

(2) adopt the recommendations of the Commission to Develop the
Maryland Model for Funding Higher Education published in the December 2008 Final
Report, which include establishing a funding model for higher education comprised of
high State support of higher education institutions, moderate tuition levels for
Maryland residents, high State need-based financial aid, and accountability that
assesses the State’s and institutions’ progress in reaching the funding model’s goals at
least annually.

(Over)

(b) Until legislation is enacted to adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education, the Maryland Higher Education Commission shall incorporate the recommendations of the Commission in the updated State Plan for Higher Education required under §11-105(b) of the Education Article and implement those recommendations that do not require legislation, in collaboration with institutions of higher education, the P-20 Council, and other stakeholders, to the greatest extent possible as provided in the State budget.

SECTION 37. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 12 of Chapter 3 of the Acts of the General Assembly of the 2007 Special Session, for fiscal year 2010 and subsequent fiscal years, the distribution of the income tax revenue from corporations under §§ 2-613.1 through 2-615 of the Tax-General Article shall be made based on receipts from income tax revenue from corporations and without regard to the taxable years for which revenues are received.

SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15-103 of the Election Law Article cannot operate as originally contemplated.

(b) Subject to subsection (c) of this section, up to \$2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) A transfer under this section may not reduce the balance in the Fund below \$1,000,000.

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and may only be transferred to the Maryland Election Modernization Fund established under § 2-107 of the Election Law Article.

SECTION 39. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly finds that the existing technology supporting State administration of its human resources management system is outmoded and inadequate for efficient administration of the State workforce.

(b) In the development of a new statewide human resources management system to address this deficiency, the Department of Budget and Management shall, in coordination with the Department of Information Technology, take all steps necessary to scope and define its requirements so as to qualify for funding as a Major Information Technology Development project supported through the Major Information Technology Project Development Fund established under § 3A-309 of the State Finance and Procurement Article.

(c) To support this project, for fiscal years 2011, 2012, and 2013 only, the Department of Budget and Management shall establish a statewide subobject for the purpose of charging back to each fund account of the State agencies the cost of developing, acquiring, and implementing the needed information technology.

(d) Costs shall be allocated to each agency based on that proportion of total positions authorized in each agency on June 30 of the second year preceding the year for which the budget is prepared compared to the total number of positions authorized for Executive agencies. Funds shall be credited to the Major Information Technology Project Development Fund solely for support of the project created under subsection (b) of this section.

(Over)

(e) For fiscal year 2011, the Governor shall include in the State budget through the mechanism established in this section a charge back of not less than \$5,000,000.

SECTION 40. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2010 only, on or before May 1, 2009, a county may request from the State Board of Education a temporary or partial waiver from the provisions of § 5-202(d) of the Education Article. For a waiver requested by a county after April 1, 2009, the State Board of Education shall inform a county on or before June 1, 2009, whether the waiver for fiscal year 2010 is approved or denied in whole or in part. This section shall be construed to apply retroactively and shall apply to temporary or partial waivers requested on or before May 1, 2009. If a county requested a waiver from the provisions of § 5-202(d) of the Education Article on or before April 1, 2009, the county may make a request under this section to modify the earlier request or may withdraw the earlier request and make a new request under this section.

SECTION 41. AND BE IT FURTHER PROVIDED, That, notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section, \$36,000,000 of State Foundation Program funds (Budget Code R00A02.01) to be disbursed to the Prince George's County Board of Education in fiscal year 2010 shall be reduced, contingent upon the Board proceeding with the purchase or lease of a new administration building under or in connection with a lease entered into in June of 2008.

(b) Subsection (a) of this section is contingent on the failure of House Bill 960 prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, and if House Bill 960 becomes effective prohibiting the expenditure of any funds by the Prince George's County Board of Education for the

purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.

SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Department of Juvenile Services, the Department of Human Resources, and the United States Department of Health and Human Services may share information and records as necessary to properly administer the federal Title IV-B and Title IV-E programs.”.

AMENDMENT NO. 26

On page 45, in line 29, strike “as follows” and substitute “**TO THE FOLLOWING ACCOUNTS**”; strike beginning with “transferred” in line 30 down through “Resources” in line 31 and substitute “**CREDITED TO AN ENERGY ASSISTANCE ACCOUNT**”; and in line 33, after “23%” insert “**SHALL BE CREDITED TO A RATE RELIEF ACCOUNT**”.

On page 46, in line 3, before “for” insert “**SHALL BE CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT**”; in line 5, after “to” insert “**THE LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT FOR**”; in line 9, before “for” insert “**SHALL BE CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT**”; in line 14, before “for” insert “**SHALL BE CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT**”; in line 18, after “**SECTION**” insert “**FROM THE ALLOWANCES SOLD BETWEEN MARCH 1, 2009, AND JUNE 30, 2011,**”; in line 19, strike “**IN FISCAL YEARS 2010 AND 2011**”; strike beginning with “**TRANSFERRED**” in line 20 down through “**RESOURCES**” in line 21 and substitute “**CREDITED TO AN ENERGY ASSISTANCE ACCOUNT**”; in line 23, after “**BE**” insert “**CREDITED TO A RATE RELIEF ACCOUNT TO BE**”; in line 25, after “**BE**” insert “**CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND**

(Over)

TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT TO BE"; in line 27, after "BE" insert "CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT TO BE"; in line 29, after "BE" insert "CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT TO BE"; and after line 30, insert:

"(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into AN ADMINISTRATIVE EXPENSE ACCOUNT WITHIN the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government."

AMENDMENT NO. 27

On page 58, in lines 13, 19, 23, 26, and 31, strike "32.", "33.", "34.", "35.", and "36.", respectively, and substitute "43.", "44.", "45.", "47.", and "48.", respectively.

On page 59, in lines 1, 4, and 9, strike "37.", "38.", and "39.", respectively, and substitute "49.", "50.", and "51.", respectively; and in line 10, strike "33 and 34" and substitute "44 through 46".