

SB0141/509237/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 141
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “altering the calculation of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes;”; in line 5, after “requirements;” insert “altering or repealing certain grant programs;”; in line 13, strike “repealing” and substitute “altering certain inflation adjustments for the calculation of certain State education funding; altering the schedule for the Judicial Compensation Commission to meet to review judicial salaries and pensions and make written recommendations to the Governor and the General Assembly; requiring the budget bill to include a certain schedule for certain proposed reductions under certain circumstances; altering”; in line 15, after “purposes;” insert “repealing certain grants to certain institutions; specifying the allocation of certain grants between certain institutions; authorizing the use of a certain grant for certain purposes;”; in line 19, after “circumstances;” insert “requiring that an application for a certain death benefit payable to the surviving spouse, child, or estate of certain individuals under certain circumstances be submitted within a certain time period; requiring the Department of Public Safety and Correctional Services under certain circumstances to take certain steps to notify potential recipients of the availability of a certain death benefit; altering the allocation of certain funds; requiring certain local employers to pay a certain portion of certain employer contributions for certain members of the Teachers’ Retirement System or the Teachers’ Pension System; requiring the Board of Trustees for the State Retirement and Pension System to establish a certain local contribution rate in a certain manner for certain fiscal years; providing for the manner of payment by certain local employers for certain employer contributions; altering the calculation of certain State payments for certain library employees excluded from membership in the Teachers’ Retirement System or the Teachers’ Pension System; requiring certain counties and Baltimore City to pay certain employer contributions for certain members of certain systems of the State Retirement and Pension System; requiring certain counties to”

(Over)

make certain payments in certain fiscal years; requiring the Comptroller to exercise the right of setoff against any money due or becoming due to certain local employers or counties under certain circumstances; requiring the Comptroller to pay certain grants to certain local jurisdictions for a certain fiscal year;”; in line 20, after “Fund;” insert “requiring the Comptroller to make a certain distribution to the General Fund;”; in line 22, after “vehicles;” insert “altering the distribution of certain sales and use tax revenue for certain fiscal years;”; strike beginning with the first “repealing” in line 23 down through “coal;” in line 25; strike beginning with “authorizing” in line 27 down through “contingency;” in line 28; and strike beginning with “Maryland” in line 29 down through “2010” in line 30 and substitute “proceeds of certain bonds; repealing a requirement that the Governor provide a plan for repayment of certain monies to a certain fund”.

On page 2, strike beginning with “altering” in line 4 down through “year;” in line 6 and substitute “limiting the size of the incoming class at a certain residential education boarding program for at-risk students receiving certain funding;”; in lines 8 and 9, strike “for certain fiscal years” and substitute “; stating the intent of the General Assembly that a certain workgroup review and provide recommendations regarding distribution of local highway user revenues;”; in lines 12 and 13, strike “for a certain fiscal year”; and in line 20, after “purpose;” insert “reducing a certain appropriation for a certain fiscal year; authorizing the Governor to transfer certain funds for use in a certain program for a certain fiscal year; making certain provisions of this Act subject to a certain contingency;”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“BY repealing and reenacting, with amendments,

Article 24 - Political Subdivisions - Miscellaneous Provisions

Section 9-1101

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)”;

after line 32, insert:

“BY repealing and reenacting, with amendments,
Article - Correctional Services
Section 11-304(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)”;

in line 35, after “Section” insert “1-708(c)”; in the same line, after “7-301(f)” insert “1-708(c) and 13-603(c)”; and in line 40, after “Section” insert “4-214”.

On page 3, strike line 3 in its entirety and substitute:

“Section 5-202(a)(13), 5-205(c)(3), 5-206(f), 16-305(c)(1), 16-512(a), 17-104(a), 23-205(c) and (d), and 23-503(b)(1)”;

in line 13, strike “13-1117(a)(1), 13-1118(a)(1),”; after line 26, insert:

“BY repealing and reenacting, with amendments,
Article - Public Safety
Section 1-202(b)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)”;

after line 31, insert:

“BY adding to
Article - State Finance and Procurement
Section 7-114.2
Annotated Code of Maryland
(2009 Replacement Volume)

(Over)

BY repealing and reenacting, with amendments,

Article - State Government

Section 9-20B-05(g-1)

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–304(a) and (b), 21-307(b) and (o), 21-308(a)(1) and (d)(1), and 32-205(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 21–309.1

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)”;

in line 34, strike “and”; in the same line, after “2-1302.1” insert “, and 2-1302.2”; and in line 39, after “2-606(e)” insert “and (f)”.

On page 4, after line 1, insert:

“BY repealing

Article - Transportation

Section 8-403

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)”;

in line 4, after “4-321(e)” insert “, 8-402(c), 8-404, 8-405, and 8-407”; after line 6, insert:

“BY adding to

Article - Transportation
Section 8-401(c-1) and 8-403
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)”;

On page 4, strike in their entirety lines 7 through 12, inclusive, and substitute:

“BY repealing

Article - Correctional Services
Section 11-308, 11-309, and 11-310(a), (b), and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing

Article - Education
Section 7-117
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing

Article - Health - General
Section 13-1117 and 13-1118
Annotated Code of Maryland
(2009 Replacement Volume)”;

strike in their entirety lines 18 through 22, inclusive; after line 22, insert:

“BY repealing

Chapter 451 of the Acts of the General Assembly of 2003
Section 5”;

(Over)

and in line 35, strike “25” and substitute “12, 25, 29”.

AMENDMENT NO. 3

On page 8, in line 22, strike the second comma and substitute “AND”; strike beginning with “, AND” in line 22 down through “**2012**” in line 23; in line 23, strike “**100% OF**”; and in line 24, after “**CREDITED**” insert “AS FOLLOWS:”

(I) 25% TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

(II) 75%.

AMENDMENT NO. 4

On page 8, after line 32, insert:

“4-214.

The Board shall:

(1) set policies for spending money on tourism advertising, written and graphic materials, cooperative and matching promotional programs, and other tourism and travel developmental and promotional activities for the State;

(2) spend money of the Fund to plan, advertise, promote, assist, and develop the tourism and travel industries in the State; and

(3) [beginning in fiscal year 2011,] provide grants [of not less than \$2,500,000 in total each fiscal year] to destination marketing organizations for the purpose of attracting visitors to the State **OF NOT LESS THAN:**

(I) \$2,000,000 IN TOTAL FOR EACH OF FISCAL YEARS 2011 AND 2012; AND

(II) \$2,500,000 IN TOTAL FOR FISCAL YEAR 2013 AND FOR EACH FISCAL YEAR THEREAFTER.”.

On page 9, in line 4, strike “\$5,000,000” and substitute “\$4,000,000”.

AMENDMENT NO. 5

On page 10, in lines 21, 22, and 26, in each instance, strike the bracket; strike beginning with “EACH” in line 21 down through “2012,” in line 22; and in line 22, strike “24%” and substitute “21.8%”.

On pages 10 and 11, strike beginning with “\$194,407,432” in line 26 on page 10 down through “\$6,454,091” in line 13 on page 11.

On page 11, in lines 14 and 19, in each instance, strike the brackets; in line 15, strike “25%” and substitute “20%”; in line 20, strike “22%” and substitute “21%”; in line 24, strike “5.” and substitute “6.”; in line 25, strike “24%” and substitute “22%”; in line 30, strike “6.” and substitute “7.”; and in line 31, strike “26.5%” and substitute “23%”.

On page 12, in line 4, strike “AND”; and after line 4, insert:

“8. IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 24% OF THE STATE’S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR

(Over)

THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND”;

in line 5, strike “7.” and substitute “9.”; in the same line, strike “2016” and substitute “2017”; in line 6, strike “29%” and substitute “25%”; and after line 11, 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 a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(iii) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TOTAL STATE OPERATING FUNDS TO BE DISTRIBUTED UNDER THIS SUBSECTION TO THE COMMUNITY COLLEGES FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE \$194,407,432.”

AMENDMENT NO. 6

On page 12, in lines 26 and 31, in each instance, strike the bracket; in line 26, strike “13%” and substitute “9.8%”; in lines 26, 29, and 32, strike “(3)”, “(4)”, and “(III)”, respectively, and substitute “(III)”, “(IV)”, and “(V)”, respectively; in line 29, strike “13.5%” and substitute “9.2%”; and in line 32, strike “8.5%” and substitute “10%”.

On page 13, in lines 1, 4, 8, and 12, strike “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(VI)”, “(VII)”, “(VIII)”, and “(IX)”, respectively; in line 1, strike “10%” and substitute “10.5%”; in line 5, strike “11.5%” and substitute “11%”; in line 9, strike “13.5%” and substitute “11.5%”; in line 13, strike “15.5%” and substitute “12%”; strike beginning with “APPORTIONMENT” in line 17 down through “FOR” in line 18 and substitute “AID PROVIDED UNDER THIS SUBTITLE SHALL BE \$38,445,958, TO BE ALLOCATED AMONG”; in line 19, strike “, SHALL BE

\$30,000,000 and substitute **“IN PROPORTION TO THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED AT EACH INSTITUTION DURING THE FALL SEMESTER OF THE FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE AID APPORTIONMENT IS MADE, AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION”**.

AMENDMENT NO. 7

On page 16, in line 16, strike “2010” and substitute **“2011 AND FISCAL YEAR 2012”**; in line 17, strike “\$7,000,000” and substitute **“\$6,000,000”**; in line 29, after “(b)” insert **“FOR FISCAL YEAR 2013, THE GOVERNOR SHALL INCLUDE AT LEAST \$10,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

(c);

in the same line, strike “2011” and substitute **“2014”**; and in line 30, strike **“\$6,000,000”** and substitute **“\$13,000,000”**.

AMENDMENT NO. 8

On page 8, after line 7, insert:

“Article - Correctional Services

11-304.

(b) (1) With the approval of the Secretary, a county may convert a work release program established under Subtitles 1 and 7 of this title into a center that is subject to this subtitle.

(2) [The provisions of § 11-309 of this subtitle do not apply to a work release program that is converted into a center.

(Over)

(3) The Secretary shall adopt regulations for the conversion of a work release program into a center.

On page 17, in line 1, strike “, **THE**” and substitute “:

1. THE”;

in line 2, strike “**\$1,650,000**” and substitute “**\$2,400,000**”; in line 4, after “SECTION” insert “;**AND**

2. THE GRANTS SHALL BE DISTRIBUTED BETWEEN THE STATEWIDE ACADEMIC HEALTH CENTERS AS FOLLOWS:

A. \$2,007,300 TO THE UNIVERSITY OF MARYLAND MEDICAL GROUP; AND

B. \$392,700 TO THE JOHN HOPKINS INSTITUTIONS”;

in line 6, strike “, the” and substitute “:

1. THE”;

in the same line, strike “\$6,700,000” and substitute “**\$13,000,000**”; in line 8, after “section” insert “;**AND**

2. THE GRANTS SHALL BE DISTRIBUTED ACCORDING TO HISTORICAL ALLOCATIONS BETWEEN THE ACADEMIC HEALTH CENTERS”;

and strike in their entirety lines 9 through 26, inclusive.

On page 25, after line 10, insert:

“SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 11-308, 11-309, and 11-310(a) through (c) of Article - Correctional Services of the Annotated Code of Maryland be repealed.

SECTION 12. AND BE IT FURTHER ENACTED, That Section(s) 7-117 of Article - Education of the Annotated Code of Maryland be repealed.

SECTION 13. AND BE IT FURTHER ENACTED, That Section(s) 13-1117 and 13-1118 of Article - Health - General of the Annotated Code of Maryland be repealed.”;

and after line 15, insert:

“SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, up to \$300,000 of the allocation to the University of Maryland Medical Group under § 13-1116 of the Health - General Article as enacted by this Act may be used to offset a deficit resulting from the termination of the Statewide Academic Health Center Tobacco-Related Diseases Research Grant Program and the Statewide Academic Health Center Network Grant Program under this Act.”.

AMENDMENT NO. 9

On page 19, in line 15, strike the brackets; strike beginning with “**FOR**” in line 15 down through “**THE**” in line 16; and in line 17, after “be” insert “:

1.”.

On page 20, in line 5, after “**\$3,000,000**” insert “**FOR EACH OF FISCAL YEARS 2011 AND 2012; AND**

(Over)

**2. \$6,000,000 FOR FISCAL YEAR 2013 AND EACH
SUBSEQUENT FISCAL YEAR**

AMENDMENT NO. 10

On page 20, in lines 28 and 29, in each instance, strike the bracket.

On page 21, in lines 6 and 9, in each instance, strike the bracket; and in line 7, strike “10%” and substitute “**15%**”.

AMENDMENT NO. 11

On page 23, in line 22, strike “**\$5,000,000**” and substitute “**\$9,100,000**”.

On page 24, in line 23, strike “**\$17,101,428**” and substitute “**\$23,000,000**”.

AMENDMENT NO. 12

On page 25, in line 7, strike “**\$126,900,000**” and substitute “**\$81,900,000**”; and in line 8, strike “**\$30,013,000**” and substitute “**\$75,013,000**”.

AMENDMENT NO. 13

On page 25, strike in their entirety lines 11 through 13, inclusive.

AMENDMENT NO. 14

On page 25, strike in their entirety lines 16 and 17.

On page 41, strike in their entirety lines 32 and 33.

AMENDMENT NO. 15

On page 25, strike in their entirety lines 26 through 31, inclusive.

On page 26, strike in their entirety lines 1 and 2.

On page 27, in line 1, strike “\$1,200,000” and substitute “\$3,000,000”.

On page 27, strike in their entirety lines 17 through 19, inclusive.

On page 30, in line 7, strike “\$51,731,321” and substitute “\$55,532,294”; in line 14, strike “\$822,287” and substitute “\$1,783,395”; and in line 15, strike “\$790,574” and substitute “\$1,051,307”.

AMENDMENT NO. 16

On page 31, strike beginning with the colon in line 4 down through “section” in line 5; in line 8, strike “subsection” and substitute “section”; and strike in their entirety lines 11 through 22, inclusive.

AMENDMENT NO. 17

On page 10, after line 6, insert:

“5-206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) In fiscal year 2011, the following amounts for the following counties:

1. Allegany County..... \$97,791;
2. Anne Arundel County \$506,038;

(Over)

B&T

3. Baltimore City..... \$1,387,924;
4. Baltimore County..... \$874,227;
5. Calvert County \$38,292;
6. Caroline County \$50,074;
7. Carroll County..... \$137,261;
8. Cecil County \$96,024;
9. Charles County..... \$50,074;
10. Dorchester County \$38,292;
11. Frederick County \$182,622;
12. Garrett County..... \$38,292;
13. Harford County \$217,379;
14. Howard County \$87,776;
15. Kent County \$38,292;
16. Montgomery County..... \$602,651;
17. Prince George’s County..... \$1,209,426;
18. Queen Anne’s County..... \$50,074;

B&T

- 19. St. Mary's County..... \$50,074;
- 20. Somerset County \$38,292;
- 21. Talbot County..... \$38,292;
- 22. Washington County..... \$134,904;
- 23. Wicomico County..... \$106,627; and
- 24. Worcester County..... \$38,292;

[(ii) In fiscal year 2012, the following amounts for the following counties:

- 1. Allegany County..... \$166,000;
- 2. Anne Arundel County \$859,000;
- 3. Baltimore City..... \$2,356,000;
- 4. Baltimore County..... \$1,484,000;
- 5. Calvert County \$65,000;
- 6. Caroline County \$85,000;
- 7. Carroll County..... \$233,000;
- 8. Cecil County \$163,000;

(Over)

B&T

- 9. Charles County..... \$85,000;
- 10. Dorchester County \$65,000;
- 11. Frederick County \$310,000;
- 12. Garrett County \$65,000;
- 13. Harford County \$369,000;
- 14. Howard County \$149,000;
- 15. Kent County \$65,000;
- 16. Montgomery County..... \$1,023,000;
- 17. Prince George’s County..... \$2,053,000;
- 18. Queen Anne’s County..... \$85,000;
- 19. St. Mary’s County..... \$85,000;
- 20. Somerset County \$65,000;
- 21. Talbot County..... \$65,000;
- 22. Washington County..... \$229,000;
- 23. Wicomico County..... \$181,000; and
- 24. Worcester County.....\$65,000;] and

[(iii)] (II) [Except as provided in paragraph (3) of this subsection, in] IN fiscal year [2013] 2012 and in each fiscal year thereafter, the funding level for the county for the prior fiscal year [increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year].

[(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.]”.

On page 31, in line 26, after “the” insert “proceeds of General Obligation bonds issued under the”; and in the same line, after “2010” insert “or Qualified Zone Academy Bonds issued under Chapter (S.B. 202/H.B. 171) of the Acts of the General Assembly of 2010”.

AMENDMENT NO. 18

On page 33, in line 10, after “section.” insert:

“SECTION 30. AND BE IT FURTHER ENACTED, That Section(s) 5 of Chapter 451 of the Acts of the General Assembly of 2003 be repealed.”.

AMENDMENT NO. 19

On page 32, in line 10, strike “\$3,000,000” and substitute “\$5,000,000”.

AMENDMENT NO. 20

On page 32, strike in their entirety lines 34 through 39, inclusive.

AMENDMENT NO. 21

On page 33, in line 4, strike “\$1,000,000” and substitute “\$2,000,000”.

AMENDMENT NO. 22

On page 33, strike in their entirety lines 11 through 16, inclusive.

AMENDMENT NO. 23

On page 33, in line 33, after “law,” insert “and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement.”.

On page 36, in line 1, strike “Maryland Economic Adjustment Fund” and substitute “All special funds within the Department of Business and Economic Development”; after line 4, insert:

“(52) Migratory Game Bird Fund;

(53) Deer Stamp Fund;

(54) Wildlife Habitat Incentive Fund;

(55) Fisheries Research and Development Fund;

(56) Strategic Energy Investment Fund;

(57) Criminal Injuries Compensation Fund;

(58) 50% of the interest from the 9-1-1 Trust Fund;”;

and in lines 5 and 6, strike “(52)” and “(53)”, respectively, and substitute “(59)” and “(60)”, respectively.

AMENDMENT NO. 24

On page 24, before line 26, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That Section(s) 8-403 of Article - Transportation of the Annotated Code of Maryland be repealed.”;

and in line 26, strike “7.” and substitute “10.”.

On page 25, in line 10, after “prudent.” insert:

“8-401.

(C-1) “ELIGIBLE MUNICIPALITY” MEANS A MUNICIPALITY AUTHORIZED BY LAW TO CONSTRUCT OR MAINTAIN STREETS OR ROADS.

8-402.

(c) (1) [During] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR each fiscal year [,]:

(i) 19% OF THE REVENUE CREDITED TO THE ACCOUNT SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE;

(ii) 71.5% OF THE REVENUE CREDITED TO THE ACCOUNT MAY BE USED AS PROVIDED IN § 3-216 OF THIS ARTICLE; AND

(iii) THE BALANCE OF the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City[; and].

[(2) The balance of the Account may be used as provided in § 3-216 of this article.]

(Over)

(2) FOR FISCAL YEARS 2010 THROUGH 2012, THE ACCOUNT SHALL BE DISTRIBUTED AS FOLLOWS:

(i) A PORTION TO THE GENERAL FUND OF THE STATE AS FOLLOWS:

- 1. 19.6% FOR FISCAL 2010;**
- 2. 22.5% FOR FISCAL YEAR 2011; AND**
- 3. 20.1% FOR FISCAL YEAR 2012;**

(ii) A PORTION TO BE USED AS PROVIDED IN § 3-216 OF THIS ARTICLE, AS FOLLOWS:

- 1. 70% FOR FISCAL YEAR 2010;**
- 2. 68.6% FOR FISCAL YEAR 2011; AND**
- 3. 71.5% FOR FISCAL YEAR 2012; AND**

(iii) THE BALANCE TO BE USED TO PAY THE ALLOCATIONS OF HIGHWAY USER REVENUES PROVIDED UNDER THIS SUBTITLE TO THE COUNTIES, MUNICIPALITIES, AND BALTIMORE CITY.

(A) SUBJECT TO §§ 3-307 AND 3-308 OF THIS ARTICLE, AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR EACH FISCAL YEAR, FROM THE TOTAL HIGHWAY USER REVENUES:

(1) AN AMOUNT SHALL BE DISTRIBUTED TO BALTIMORE CITY MONTHLY EQUAL TO 8.8% OF TOTAL HIGHWAY USER REVENUES;

(2) AN AMOUNT SHALL BE DISTRIBUTED TO THE COUNTIES AT THE TIMES SPECIFIED IN § 8-407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8-404 OF THIS SUBTITLE, EQUAL TO 0.6% OF TOTAL HIGHWAY USER REVENUES; AND

(3) AN AMOUNT SHALL BE DISTRIBUTED TO THE MUNICIPALITIES AT THE TIMES SPECIFIED IN § 8-407 OF THIS SUBTITLE, TO BE ALLOCATED AS PROVIDED IN § 8-405 OF THIS SUBTITLE, EQUAL TO 0.1% OF TOTAL HIGHWAY USER REVENUES.

(B) (1) FOR FISCAL YEAR 2010:

(i) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.5% OF TOTAL HIGHWAY USER REVENUES;

(ii) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 1.5% OF TOTAL HIGHWAY USER REVENUES; AND

(iii) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.4% OF TOTAL HIGHWAY USER REVENUES.

(Over)

(2) FOR FISCAL YEAR 2011:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.2% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 0.6% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

(3) FOR FISCAL YEAR 2012:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 7.8% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 0.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.1% OF TOTAL HIGHWAY USER REVENUES.

8-404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues [provided for] **TO BE DISTRIBUTED TO THE COUNTIES** under § 8-403 of this subtitle, [its gross] **THE COUNTY'S** share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county, **NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN AN ELIGIBLE MUNICIPALITY**, bears to the total mileage of county roads in all of the counties, **NOT INCLUDING THE TOTAL MILEAGE OF COUNTY ROADS IN AN ELIGIBLE MUNICIPALITY**; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county, **NOT INCLUDING MOTOR VEHICLES REGISTERED TO AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY**, bears to the total number of motor vehicles registered to owners in all the counties, **NOT INCLUDING MOTOR VEHICLES REGISTERED TO AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY**.

[(c) The allocation of highway user revenues to a county under subsection (b) of this section may not be less than the amount allocated to the county from highway user revenue sources in the fiscal year that began July 1, 1967.

(Over)

(d) From each county's share of highway user revenues determined under this section, the Administration shall deduct the amount of highway user revenues allocated to any municipality in the county under § 8-405 of this subtitle. The resulting amount is the county's net share of highway user revenues.]

8-405.

[(a) Any municipality authorized by law to construct or maintain streets or roads may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.]

(A) HIGHWAY USER REVENUES SHALL BE ALLOCATED TO THE ELIGIBLE MUNICIPALITIES:

(1) ONE HALF ON A MUNICIPAL ROAD MILEAGE BASIS, AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION; AND

(2) ONE HALF ON A MOTOR VEHICLE REGISTRATION BASIS, AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION.

(b) [During the fiscal year beginning after a request is made, the] THE Administration shall allocate [to the] FOR THE ACCOUNT OF EACH ELIGIBLE municipality, [from the gross share of] OUT OF THE highway user revenues [allocated under § 8-404] TO BE DISTRIBUTED TO THE MUNICIPALITIES UNDER § 8-403 of this subtitle [to the county within which the municipality is located, its net] THE ELIGIBLE MUNICIPALITY'S share [of highway user revenues], to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the ELIGIBLE municipality bears to the total mileage of county roads LOCATED in [the county] ELIGIBLE MUNICIPALITIES IN THE STATE; and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the ELIGIBLE municipality bears to the total number of motor vehicles registered to owners having addresses in [the county] ELIGIBLE MUNICIPALITIES IN THE STATE.

(c) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George's County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

8-407.

(a) (1) If a county's OR MUNICIPALITY'S road construction, reconstruction, or maintenance is performed by the Administration, the county's [net] OR MUNICIPALITY'S share of highway user revenues shall be credited to the account of the Administration to be spent on warrants of the State Comptroller.

(2) If a county has paid any debt service on bonds or other evidences of obligation issued by a municipality in the county for the construction, reconstruction, or maintenance of roads or streets, an amount sufficient to reimburse the county for

(Over)

these payments shall be paid to the county from the municipality's [net] share of highway user revenues.

(3) In all other cases, a county's or municipality's [net] share of highway user revenues shall be paid to or on the order of:

(i) The proper official of the county or municipality designated by local law; or

(ii) If no designation is made, the county or municipality.

(b) Payments of a county's or municipality's [net] share of highway user revenues shall be made:

(1) At monthly intervals; or

(2) At other appropriate times reasonably requested."

On pages 36 through 38, strike in their entirety the lines beginning with line 7 on page 36 through line 20 on page 38, inclusive, and substitute:

"SECTION 34. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor by budget amendment partially restore local highway user revenues for fiscal year 2010 that were reduced by actions taken by the Board of Public Works in August 2009, to implement the distributions of highway user revenues for fiscal year 2010 as reflected in § 8-403 of the Transportation Article as enacted by this Act.

SECTION 35. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a working group formed in statute or by order of the President of the Senate or the Speaker of the House looking at transportation funding or local

aid issues shall review and provide recommendations for how local highway user revenues shall be distributed in fiscal year 2013 and thereafter.”.

On page 41, in line 20, strike “25” and substitute “12, 25, 29.”.

AMENDMENT NO. 25

On page 27, after line 29, insert:

“\$300,000 of the funds in the State Occupational and Professional Licensing Design Boards’ Fund established under § 2-106.1 of the Business Regulation Article;”.

AMENDMENT NO. 26

On page 4, after line 37, insert:

“Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(a) (1) Subject to subsection (d) of this section, for each fiscal year, the Comptroller shall distribute to a county the amount determined for each county under this section.

(2) The amount a county shall receive under this section in any fiscal year shall be based on the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, from returns filed through [August 15] NOVEMBER 1 immediately preceding the applicable fiscal year, as determined by the Comptroller.

(b) (1) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:

(Over)

(i) The per capita yield of the county income tax for each county, based on:

1. Unless a county income tax rate of other than 2.54% was in effect, the receipts described in subsection (a)(2) of this section;

2. The population of the county as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. If the county income tax rate is other than 2.54% in the applicable taxable year, the receipts described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect; and

(ii) The per capita statewide yield of the county income tax, based on:

1. The total receipts for county income tax described in subsection (a)(2) of this section for counties with an income tax rate of 2.54% in effect;

2. The State population as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. For counties with an income tax rate of other than 2.54% in effect, the total receipts for county income tax described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect.

(2) If the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita

statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(3) A county may not receive a distribution under this subsection if the county tax rate in that county was less than 2.4%:

(i) For the taxable year that ended in the second prior fiscal year; or

(ii) For any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) The Comptroller shall make payments of the additional amounts provided under this section quarterly during the fiscal year for which the payment is made.

(d) For fiscal year 2011 and each subsequent fiscal year, [the distribution provided to any county or Baltimore City] **IF THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES under SUBSECTION (B) OF this section [may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010] EXCEEDS \$120,000,000, THE COMPTROLLER SHALL DISTRIBUTE TO EACH COUNTY AN AMOUNT EQUAL TO THE AMOUNT OTHERWISE DETERMINED FOR THE COUNTY UNDER SUBSECTION (B) OF THIS SECTION MULTIPLIED BY A FRACTION:**

(1) **THE NUMERATOR OF WHICH IS \$120,000,000; AND**

(Over)

(2) THE DENOMINATOR OF WHICH IS THE SUM OF THE AMOUNTS DETERMINED FOR ALL COUNTIES FOR THE APPLICABLE FISCAL YEAR UNDER SUBSECTION (B) OF THIS SECTION WITHOUT REGARD TO THIS SUBSECTION.”.

AMENDMENT NO. 27

On page 8, after line 29, insert:

“13-603.

(c) The Fund shall be used to pay:

(1) The operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee; and

(2) For [fiscal years 2009 and 2010, for] major information technology development projects of the Judiciary Department, as the Administrator considers appropriate.”.

AMENDMENT NO. 28

On page 21, after line 9, insert:

“7-114.2.

WHEN A PROPOSED BUDGET INCLUDES EXPENDITURE REDUCTIONS TO BE APPLIED ACROSS MULTIPLE EXECUTIVE BRANCH AGENCIES, THE BUDGET BILL SHALL INCLUDE A SEPARATE SCHEDULE FOR EACH REDUCTION ALLOCATING THE REDUCTION FOR EACH AGENCY IN A LEVEL OF DETAIL NOT LESS THAN THE 3-DIGIT R*STARS FINANCIAL AGENCY CODE AND BY EACH FUND SOURCE.”.

AMENDMENT NO. 29

On page 21, in line 24, after “article.” insert:

“Article – State Government

9–20B–05.

(g–1) The proceeds described in subsection (g) of this section from the allowances sold between March 1, 2009, and June 30, [2011] 2012, shall be allocated as follows:

(1) up to 50% shall be credited to an energy assistance account to be used as described in subsection (g)(1) of this section;

(2) 23% shall be credited to a rate relief account to be allocated as provided in subsection (g)(2) of this section;

(3) at least 17.5% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account to be allocated as provided in subsection (g)(3) of this section;

(4) at least 6.5% shall be credited to a renewable and clean energy programs account to be allocated as provided in subsection (g)(4) of this section; and

(5) up to 3.0%, but not more than \$4,000,000, shall be credited to an administrative expense account to be allocated as provided in subsection (g)(5) of this section.”

AMENDMENT NO. 30

On page 26, after line 16, insert:

(Over)

“\$2,500,000 of the funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8-2A-02 of the Natural Resources Article;”.

AMENDMENT NO. 31

On page 24, after line 25, insert:

“2-1302.2.

After making the distributions required under §§ 2-1301 through 2-1302.1 of this subtitle, **FOR EACH FISCAL YEAR**, the Comptroller shall pay into the Transportation Trust Fund established under § 3-216 of the Transportation Article[:

(1) for each fiscal year beginning before July 1, 2013,] 5.3% of the remaining sales and use tax revenue[; and

(2) for each fiscal year beginning on or after July 1, 2013, 6.5% of the remaining sales and use tax revenue].”.

AMENDMENT NO. 32

On page 22, after line 30, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Tax - General

2-606.

(F) (1) ON OR BEFORE JUNE 30, 2011, THE COMPTROLLER SHALL DISTRIBUTE \$389,000,000 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED

TO COMPLY WITH THIS SECTION TO THE GENERAL FUND OF THE STATE FOR USE IN FUNDING THE MARYLAND MEDICAID PROGRAM FOR FISCAL YEAR 2011.

(2) IN EACH OF FISCAL YEARS 2021 THROUGH 2026, THE STATE SHALL PAY TO THE LOCAL INCOME TAX RESERVE ACCOUNT \$63,833,333 TO REPAY THE \$389,000,000 TRANSFER TO THE GENERAL FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Tax - General”.

On page 41, after line 31, insert:

“SECTION 46. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect January 1, 2011, contingent on the failure of the federal government to act, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in the State’s federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, and if the federal government acts, on or before December 31, 2010, to extend beyond December 31, 2010, the increase in Maryland’s federal medical assistance percentage as provided in the American Recovery and Reinvestment Act of 2009, Section 5A this Act shall be null and void without the necessity of further action by the General Assembly.”.

AMENDMENT NO. 33

On page 41, after line 19, insert:

“SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the special fund appropriation in the fiscal 2010 State budget for program L00A12.10 Marketing and Agricultural Development in the Department

(Over)

of Agriculture is reduced by \$700,000. The reduction provided under this section shall be made only to programs supported by funds from the Cigarette Restitution Fund. For fiscal year 2010, the Governor is authorized to transfer \$700,000 from the Cigarette Restitution Fund to program M00Q01.03 Medical Care Provider Reimbursements in the Department of Health and Mental Hygiene.”.

AMENDMENT NO. 34

On page 30, after line 25, insert:

“\$602,800 of the funds in the special fund established under § 11-401 of the Business Regulation Article;”.

AMENDMENT NO. 35

On page 20, after line 20, insert:

“Article – Public Safety

1-202.

(b) (1) Subject to subsection (c) of this section and [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a death benefit of \$125,000 shall be paid to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties on or after January 1, 2006:

- (i) a law enforcement officer;
- (ii) a correctional officer;
- (iii) a volunteer or career firefighter or rescue squad member;
- (iv) a sworn member of the office of State Fire Marshal;

(v) a public safety aviation employee;

(vi) a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan or Iraq conflict; or

(vii) a hazardous material response team employee.

(2) For fiscal year 2009, and for each following fiscal year, the death benefit provided in the prior fiscal year shall be adjusted by any change in the calendar year preceding the fiscal year in the Consumer Price Index (all urban customers – United States city average – all items), as published by the United States Bureau of Labor Statistics.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED WITHIN 3 YEARS AFTER THE DEATH OF THE DECEDENT.

(II) IF THE DECEDENT DIED BEFORE JUNE 1, 2010, AN APPLICATION FOR A DEATH BENEFIT UNDER THIS SUBSECTION SHALL BE SUBMITTED ON OR BEFORE MAY 31, 2013.

[(3)] (4) A death benefit under this subsection is in addition to:

(i) any workers' compensation benefits;

(ii) the proceeds of any form of life insurance, regardless of who paid the premiums on the insurance; and

(iii) the funeral benefit provided under subsection (d) of this section.

(5) ON RECEIVING NOTICE OF THE DEATH OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL TAKE REASONABLE STEPS TO NOTIFY POTENTIAL RECIPIENTS OF THE POTENTIAL DEATH BENEFITS AVAILABLE UNDER THIS SUBSECTION:

(I) WHEN THE DEPARTMENT RECEIVES NOTICE OF THE DEATH; AND

(II) AGAIN 1 YEAR AFTER THE DATE OF THE DEATH, IF AN APPLICATION FOR A DEATH BENEFIT WITH RESPECT TO THE DEATH OF THE DECEDENT HAS NOT BEEN SUBMITTED.”.

AMENDMENT NO. 36

On page 13, after line 19, insert:

“23–205.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2009..... \$6.50 per each resident of the area served;

(ii) For fiscal year 2010..... \$6.75 per each resident of the area served; AND

(iii) For fiscal year 2011 AND EACH FISCAL YEAR THEREAFTER..... \$6.75 per each resident of the area served[;

(iv) For fiscal year 2012.....\$7.50 per each resident of the area served; and

(v) for fiscal year 2013 and each fiscal year thereafter.....\$8.50 per each resident of the area served].

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For fiscal year 2009.....\$1.85 per State resident; AND

(ii) For [each of fiscal years 2010 and 2011] FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER.....\$1.67 per State resident[; and

(iii) For fiscal year 2012 and each fiscal year thereafter.....\$1.85 per State resident].

23-503.

(b) (1) [Each] FOR EACH FISCAL YEAR, EACH county public library system that participates in the minimum library program shall be provided AN AMOUNT EQUAL TO \$14.00 for each resident of the county, to be used for operating and capital expenses[;

(i) For fiscal year 2009 – \$14.00;

(Over)

- (ii) For fiscal year 2010 – \$14.00;
- (iii) For fiscal year 2011 – \$14.00;
- (iv) For fiscal year 2012 – \$15.00; and
- (v) For fiscal year 2013 and each fiscal year thereafter – \$16.00].”

AMENDMENT NO. 37

On page 12, after line 11, insert:

“16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State’s General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State’s General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to [66%] 63% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(v) In fiscal year 2013, not less than an amount equal to [67%] 63.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; [and]

(vi) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 64% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(vii) IN FISCAL YEAR 2015, NOT LESS THAN AN AMOUNT EQUAL TO 64.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE

PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(VIII) IN FISCAL YEAR 2016, NOT LESS THAN AN AMOUNT EQUAL TO 65% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND

[(vi)] (IX) In fiscal year [2014] 2017 and each fiscal year thereafter, not less than an amount equal to [68.5%] 66% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

(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 a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE TOTAL STATE OPERATING FUND APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE FOR EACH OF FISCAL YEARS 2011 AND 2012 SHALL BE \$40,187,695."

AMENDMENT NO. 38

On page 33, after line 10, insert:

“SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the incoming class in the fall of 2010 at a residential boarding education program for at-risk youth that receives funding under Title 8, Subtitle 7 of the Education Article may not exceed 68 students.”.

AMENDMENT NO. 39

On page 21, after line 24, insert:

“Article – State Personnel and Pensions

21–304.

(a) (1) In this section the following words have the meanings indicated.

(2) WITH RESPECT TO LOCAL EMPLOYEES, “AGGREGATE ANNUAL EARNABLE COMPENSATION” MEANS AN AMOUNT BASED ON THE AGGREGATE ANNUAL SALARY PAYABLE BY A LOCAL EMPLOYER TO LOCAL EMPLOYEES, CALCULATED AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR BEFORE THE FISCAL YEAR FOR WHICH A CALCULATION IS MADE UNDER THIS SECTION.

[(2)] (3) “Full funding rate” means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section and adjusted to incorporate legislative changes in benefits to reflect changes to the normal cost; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection (d)(1) and (2) of this section.

(Over)

~~[(3)]~~ (4) “Funding ratio for the employees’ systems” means the actuarial value of assets for the employees’ systems divided by the actuarial accrued liability for the employees’ systems.

~~[(4)]~~ (5) “Funding ratio for the teachers’ systems” means the actuarial value of assets for the teachers’ systems divided by the actuarial accrued liability for the teachers’ systems.

(6) “LOCAL EMPLOYEE” MEANS A MEMBER OF THE TEACHERS’ RETIREMENT SYSTEM OR THE TEACHERS’ PENSION SYSTEM WHO IS:

(I) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

- 1. A CLERK;**
- 2. A HELPING TEACHER;**
- 3. A PRINCIPAL;**
- 4. A SUPERINTENDENT;**
- 5. A SUPERVISOR; OR**
- 6. A TEACHER;**

(II) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

(III) A MEMBER OF THE FACULTY OR A PROFESSIONAL OR CLERICAL EMPLOYEE OF A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.

(7) “LOCAL EMPLOYER” MEANS:

(I) A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS;

(II) A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE; OR

(III) A COMMUNITY COLLEGE, OTHER THAN BALTIMORE CITY COMMUNITY COLLEGE, THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.

[(5)] (8) “State member” does not include a member on whose behalf a participating governmental unit is required to make an employer contribution under § 21-305 or § 21-306 of this subtitle.

(9) “TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES” MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO THE LOCAL EMPLOYEES OF EACH LOCAL EMPLOYER.

(b) (1) [Each] SUBJECT TO PARAGRAPHS (4) THROUGH (6) OF THIS SUBSECTION, EACH fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or

(Over)

greater than the sum of the amount, if any, required to be included in the budget bill under § 3-501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry-age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(4) BEGINNING JULY 1, 2011, ON BEHALF OF THE LOCAL EMPLOYEES OF THE LOCAL EMPLOYER, SUBJECT TO § 21-309.1 OF THIS SUBTITLE, EACH LOCAL EMPLOYER SHALL PAY EACH FISCAL YEAR TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AS DETERMINED UNDER PARAGRAPH (5) OF THIS SUBSECTION.

(5) FOR EACH LOCAL EMPLOYER, THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES IS THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER MULTIPLIED TIMES:

(I) 1% FOR FISCAL YEAR 2012;

(II) 3% FOR FISCAL YEAR 2013;

(III) 5% FOR EACH OF FISCAL YEARS 2014 AND 2015; AND

(IV) FOR FISCAL YEAR 2016 AND EACH FISCAL YEAR THEREAFTER, THE RATE ESTABLISHED BY THE BOARD OF TRUSTEES UNDER § 21-309.1 OF THIS SUBTITLE.

(6) THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AND THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES FOR EACH LOCAL EMPLOYER SHALL BE THE OBLIGATION OF THE STATE.

21-307.

(b) [(1) For THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR a master in chancery or a master in juvenile causes who is eligible for benefits under the Judges' Retirement System, the county where the master serves shall pay to the Judges' Retirement System [a portion of] the employer contributions required to be paid on behalf of the master [as determined under paragraph (2) of this subsection.

(2) The amount payable by a county for a master under this subsection is the product of multiplying:

(i) the sum of the accrued liability contribution rate and the normal contribution rate; and

(ii) the difference between the master's current earnable compensation and the earnable compensation of the master as of January 1, 1989].

(o) (1) For the fiscal year beginning July 1, 2009, and each subsequent fiscal year, for a deputy sheriff employed by the Baltimore City Sheriff's Department who is a member of the Law Enforcement Officers' Pension System, Baltimore City shall pay the employer contributions otherwise required to be made by the State on behalf of the [members] MEMBER.

(2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT FISCAL YEAR, FOR AN EMPLOYEE OF THE BALTIMORE CITY

SHERIFF'S DEPARTMENT WHO IS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM, BALTIMORE CITY SHALL PAY THE EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON BEHALF OF THE MEMBER.

21-308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid BY THE STATE AS DETERMINED UNDER § 21-304 OF THIS SUBTITLE to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

(d) (1) (i) The State Superintendent of Schools shall determine the amount that equals the applicable percentage as determined under subparagraph (ii) of this paragraph of the payroll of the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System.

(ii) The applicable percentage under subparagraph (i) of this paragraph is the lesser of:

1. the DIFFERENCE BETWEEN THE State's contribution percentage for the Teachers' Retirement System and the Teachers' Pension System

(Over)

AND THE LOCAL CONTRIBUTION RATE DETERMINED UNDER § 21-309.1 OF THIS SUBTITLE, as certified by the Board of Trustees; or

2. the percentage of the payroll of its employees that Montgomery County has contributed to the Employees' Retirement System of Montgomery County, as determined by an actuarial valuation.

21-309.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LOCAL CONTRIBUTION RATE" MEANS THE RATE TO BE APPLIED TO THE AGGREGATE EARNABLE COMPENSATION OF LOCAL EMPLOYEES TO CALCULATE THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES UNDER § 21-304 OF THIS SUBTITLE.

(3) "LOCAL EMPLOYEE" HAS THE MEANING STATED IN § 21-304 OF THIS SUBTITLE.

(4) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21-304 OF THIS SUBTITLE.

(B) (1) (I) ON OR BEFORE DECEMBER 1, 2014, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL ESTABLISH THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR AS PROVIDED IN THIS SUBSECTION.

(II) ON OR BEFORE NOVEMBER 1, 2014, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL PROVIDE LOCAL EMPLOYERS A PRELIMINARY ESTIMATE OF THE LOCAL CONTRIBUTION RATE FOR THE NEXT FISCAL YEAR.

(2) FOR EACH FISCAL YEAR, THE LOCAL CONTRIBUTION RATE SHALL BE ESTABLISHED AT THE RATE THAT WHEN ADDED TO THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW EQUALS ONE-HALF OF THE SUM OF:

(I) THE TEACHERS' SYSTEM CONTRIBUTION RATE FOR THE FISCAL YEAR DETERMINED UNDER § 21-304(F) OF THIS SUBTITLE; AND

(II) THE RATE OF THE EMPLOYER SOCIAL SECURITY CONTRIBUTION REQUIRED BY FEDERAL LAW.

(C) ON OR BEFORE DECEMBER 1, 2010, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE BOARD OF TRUSTEES SHALL DETERMINE THE AMOUNTS PAYABLE BY EACH LOCAL EMPLOYER UNDER § 21-304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.

(D) EACH YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO EACH LOCAL EMPLOYER THE LOCAL CONTRIBUTION RATE AND THE AMOUNTS PAYABLE BY THE LOCAL EMPLOYER UNDER § 21-304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.

(E) (1) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 16, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE LOCAL

EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (D) OF THIS SECTION.

(2) A LOCAL EMPLOYER MAY ELECT TO HAVE THE AMOUNTS REQUIRED UNDER THIS SECTION DEDUCTED FROM STATE AID DISTRIBUTIONS UNDER THE EDUCATION ARTICLE.

(3) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE LOCAL EMPLOYER IS LIABLE FOR INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 4% A YEAR UNTIL PAYMENT.

(4) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.

(5) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT LOCAL EMPLOYER FROM THE STATE.

(F) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.

(G) (1) NOTWITHSTANDING § 5-202(D) OF THE EDUCATION ARTICLE, IN FISCAL YEARS 2012 THROUGH 2014 ONLY, A COUNTY THAT DOES NOT MEET THE MAINTENANCE OF EFFORT REQUIREMENT AND DOES NOT RECEIVE A WAIVER SHALL BE REQUIRED TO PAY TO THE COUNTY BOARD OF EDUCATION

THE DIFFERENCE BETWEEN THE LOCAL APPROPRIATION TO THE COUNTY SCHOOL OPERATING BUDGET AND THE AMOUNT CERTIFIED BY THE STATE SUPERINTENDENT AS THE REQUIRED LOCAL MAINTENANCE OF EFFORT AMOUNT UNDER § 5-202(D)(1)(II) OF THE EDUCATION ARTICLE.

(2) IF A COUNTY DOES NOT MAKE THE PAYMENT REQUIRED UNDER THIS SUBSECTION TO THE COUNTY BOARD BY MAY 15 OF THE FISCAL YEAR FOR WHICH THE PAYMENT IS REQUIRED, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT COUNTY FROM THE STATE AND CREDIT IT TO THE COUNTY BOARD OF EDUCATION.”.

AMENDMENT NO. 40

On page 9, after line 21, insert:

“5-202.

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

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

(ii) 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;

(Over)

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. 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 prior fiscal year, the target per pupil foundation amount for the prior fiscal year; and

(iii) In [fiscal year 2012] EACH OF FISCAL YEARS 2012 THROUGH 2015:

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 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.”.

On page 10, in line 3, strike “fiscal year 2012” and substitute “EACH OF FISCAL YEARS 2012 THROUGH 2015”.

AMENDMENT NO. 41

On page 22, in line 19, strike “\$1,000,000” and substitute “\$500,000”; in line 21, strike “AND”; in line 22, after “(II)” insert “\$500,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND

(III)”;

and after line 22, insert:

“(C) (1) FOR FISCAL YEAR 2011, THE COMPTROLLER SHALL PAY FROM THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION A GRANT TO THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES THAT ARE THE SOURCE OF THE REVENUE ARE LOCATED, TO BE USED BY THE LOCAL JURISDICTIONS ONLY FOR ONE-TIME CAPITAL EXPENDITURES.

(2) A GRANT UNDER THIS SUBSECTION SHALL BE PAID TO A MUNICIPAL CORPORATION IF THE MACHINES ARE LOCATED IN A MUNICIPAL CORPORATION OR TO A COUNTY IF THE MACHINES ARE NOT LOCATED IN A MUNICIPAL CORPORATION.

(3) THE GRANTS UNDER THIS SUBSECTION SHALL BE PAID TO EACH LOCAL JURISDICTION IN PROPORTION TO THE AMOUNT OF TAX REVENUE DERIVED FROM MACHINES IN EACH JURISDICTION.”

AMENDMENT NO. 42

(Over)

On page 8, after line 10, insert:

“1-708.

(c) [Beginning on September 1, 2009, and] ON OR AFTER SEPTEMBER 1, 2011, SEPTEMBER 1, 2013, AND every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly. The Governor shall include in the budget for the next ensuing fiscal year the funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.”.

AMENDMENT NO. 43

On page 21, before line 25, insert:

“32-205.

(a) For each participating employee who makes contributions under § 32-204 of this subtitle, TO THE EXTENT FUNDS ARE PROVIDED IN THE STATE BUDGET, the State [shall] MAY contribute to the applicable State supplemental plan employer contributions an amount equal to the lesser of the participating employee’s contributions or \$600 per fiscal year.”.

AMENDMENT NO. 44

On page 13, in line 28, after “FOR” insert “OIL-RELATED ACTIVITIES IN”.

On page 14, in line 15, after “TO” insert “OIL-RELATED ACTIVITIES IN”.

On page 22, in line 27, after “(E)” insert “(1)”; and in line 30, after “ARTICLE.” insert:

“(2) IN EACH OF FISCAL YEARS 2014 THROUGH 2020, THE STATE SHALL PAY TO THE LOCAL INCOME TAX RESERVE ACCOUNT \$50,000,000 TO REPAY THE \$350,000,000 TRANSFER TO THE EDUCATION TRUST FUND AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”

On page 26, in line 17, strike “\$2,200,000” and substitute “\$1,000,000”; and after line 18, insert:

“\$1,200,000 of the funds in the Oil Reserve Fund established under § 4-607 of the Environment Article;”.

On page 31, in line 29, after “be” insert “transferred from the 9-1-1 Trust Fund to the Department of Information Technology to be”.

On page 35, in line 6, strike “Service” and substitute “System”.

On page 39, strike in their entirety lines 30 through 33, inclusive.

AMENDMENT NO. 45

On page 23, in line 24, strike “6.” and substitute “8.”.

On page 25, in lines 14 and 18, strike “9.” and “11.”, respectively, and substitute “14.” and “16.”, respectively.

On page 29, in line 13, strike “12.” and substitute “17.”.

On page 30, in line 4, strike “13.” and substitute “18.”.

On page 31, in lines 3, 23, 27, 32, and 37, strike “14.”, “15.”, “16.”, “17.”, and “18.”, respectively, and substitute “19.”, “20.”, “21.”, “22.”, and “23.”, respectively.

(Over)

On page 32, in lines 3, 9, 15, 24, and 30, strike “19.”, “20.”, “21.”, “22.”, and “23.”, respectively, and substitute “24.”, “25.”, “26.”, “27.”, and “28.”, respectively.

On page 33, in lines 1, 17, and 32, strike “25.”, “27.”, and “28.”, respectively, and substitute “29.”, “32.”, and “33.”, respectively.

On page 38, in lines 21, 29, and 34, strike “31.”, “32.”, and “33.”, respectively, and substitute “36.”, “37.”, and “38.”, respectively.

On page 39, in lines 19, 26, and 34, strike “34.”, “35.”, and “37.”, respectively, and substitute “39.”, “40.”, and “41.”, respectively.

On page 41, in lines 20, 22, 28, and 34, strike “38.”, “39.”, “40.”, and “42.”, respectively, and substitute “43.”, “44.”, “45.”, and “47.”, respectively; in line 29, strike “6, and 28” and substitute “8, and 33”; and in line 34, strike “35” and substitute “40”.

On page 42, in line 1, strike “43.” and substitute “48.”.