

HB0223/205864/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 223

(First Reading File Bill)

AMENDMENT NO. 1

At the top of the page, strike “EMERGENCY BILL”; in the sponsor line, strike “Montgomery County Delegation” and substitute “Delegates Hixson, Howard, Feldman, Ali, Barkley, Barve, Bronrott, Carr, Dumais, Frick, Gilchrist, Gutiérrez, Heller, Hucker, Kaiser, Kramer, Lee, Manno, Mizeur, Montgomery, Reznik, Rice, Simmons, Taylor, Waldstreicher, Benson, Boteler, Cane, G. Clagett, Davis, DeBoy, Doory, Frush, Gaines, Glenn, Healey, Hecht, Holmes, Ivey, King, Love, Minnick, Niemann, Pendergrass, Pena-Melnyk, Proctor, Ramirez, Ross, Shewell, Sophocleus, Sossi, Stocksdale, Valderrama, Vaughn, Walker, and Wood”; in line 2, strike “Montgomery County – ”; in the same line, strike “Waiver” and substitute “- Penalty”; strike in its entirety line 3; in line 4, strike “provisions in law” and substitute “penalty”; in line 5, strike “for Montgomery County”; in the same line, strike “making this Act an emergency measure” and substitute “requiring certain legislative committees to report to the General Assembly on or before a certain date; providing for the application of this Act”; and in lines 6 and 7, strike “requirement of Montgomery County” and substitute “penalty”.

AMENDMENT NO. 2

After line 7, insert:

“Preamble

WHEREAS, The process for waiving the maintenance of effort requirement was established in 1996 and no county had applied for a waiver under that process until fiscal year 2010; and

(Over)

WHEREAS, When the maintenance of effort waiver process was used for the first time in fiscal year 2010, numerous policy issues were identified including the lack of clarity in the factors used to guide the decision of the State Board of Education whether to grant a waiver; and

WHEREAS, Significant policy issues were also identified regarding the appropriate penalty for not meeting the maintenance of effort requirement; now, therefore.”.

AMENDMENT NO. 3

In line 9, strike the colon and substitute a comma; in line 10, strike “Notwithstanding” and substitute “notwithstanding”; and strike beginning with “Montgomery” in line 11 down through “§ 5-202(d)” in line 12 and substitute “the penalty provision under § 5-213 of the Education Article may not be applied to any State aid increase provided under § 5-202”.

AMENDMENT NO. 4

Strike in their entirety lines 13 through 17, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Senate Budget and Taxation Committee and the House Ways and Means Committee shall study the appropriate calculation of the penalty for failing to meet the maintenance of effort requirement and the appropriate party against whom the penalty should be applied. On or before December 31, 2010, the committees shall report their findings and recommendations to the Legislative Policy Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to any penalty that would otherwise be imposed for not meeting the maintenance of effort requirement in fiscal year 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.”.