

HOUSE BILL 223

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~~EMERGENCY BILL~~

0lr0957

By: ~~Montgomery County Delegation~~ Delegates Hixson, Howard, Feldman, Ali, Barkley, Barve, Bronrott, Carr, Dumais, Frick, Gilchrist, Gutierrez, 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

Introduced and read first time: January 22, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2010

CHAPTER _____

1 AN ACT concerning

2 ~~Montgomery County~~ Maintenance of Effort Waiver – Penalty

3 ~~MC 14-10~~

4 FOR the purpose of waiving the maintenance of effort ~~provisions in law~~ penalty for a
5 certain fiscal year ~~for Montgomery County; making this Act an emergency~~
6 ~~measure~~ requiring certain legislative committees to report to the General
7 Assembly on or before a certain date; providing for the application of this Act;
8 and generally relating to the maintenance of effort ~~requirement of Montgomery~~
9 County penalty.

10 Preamble

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That~~z~~,

10 ~~Notwithstanding~~ notwithstanding any other provision of law, for fiscal year
11 2010 only, ~~Montgomery County is not required to comply with the maintenance of~~
12 ~~effort provisions of § 5-202(d)~~ the penalty provision under § 5-213 of the Education
13 Article may not be applied to any State aid increase provided under § 5-202 of the
14 Education Article.

15 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency~~
16 ~~measure, is necessary for the immediate preservation of the public health or safety,~~
17 ~~has been passed by a yea and nay vote supported by three fifths of all the members~~
18 ~~elected to each of the two Houses of the General Assembly, and shall take effect from~~
19 ~~the date it is enacted.~~

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

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

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