

# Chapter 74

(House Bill 223)

AN ACT concerning

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

### ~~MC 14-10~~

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

### 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

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,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That~~;~~,

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

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members~~

~~electd to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.~~

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.

**Approved by the Governor, April 13, 2010.**