

Chapter 969

**(House Bill 396)**

AN ACT concerning

**Prince George's County – Sales and Use Tax on Energy and Fuel – Use of Revenue**

**PG 407-24**

FOR the purpose of altering a certain provision of law relating to the use of certain revenue from the sales and use tax on energy and fuel in Prince George's County by allowing the revenue to be used to meet certain education funding requirements for the county; repealing a requirement that the county appropriate a certain amount of local money to the school operating budget each fiscal year; and generally relating to the sales and use tax on energy and fuel in Prince George's County and maintenance of effort requirements in primary and secondary education.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 5-235(a)  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,  
Article – Local Government  
Section 20-604(a)  
Annotated Code of Maryland  
(2013 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 20-604(e)  
Annotated Code of Maryland  
(2013 Volume and 2023 Supplement)

BY repealing  
Article – Local Government  
Section 20-604(f)  
Annotated Code of Maryland  
(2013 Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

5–235.

(a) (1) (i) Subject to subsection (o) of this section and beginning in fiscal year 2023, the county governing body shall levy and appropriate an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of major education aid as adjusted under § 5–239 of this subtitle.

(ii) For the purposes of calculating the local share of major education aid and regardless of the source of the funds, all funds that a county board, including the Baltimore City Board of School Commissioners, is authorized to expend for schools may be considered as levied by the county council, board of county commissioners, or the Mayor and City Council of Baltimore except for:

1. State appropriations;
2. Federal education aid payments; and
3. The amount of the expenditure authorized for debt service and capital outlay.

(2) Subject to subsection (o) of this section and except as provided in subsection (a–1) of this section, the county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county’s enrollment count for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year using enrollment count.

### Article – Local Government

20–604.

(a) (1) Subject to paragraph (2) of this subsection and except as provided in subsection (b) of this section, by ordinance, the County Council for Prince George’s County may impose a sales or use tax on any form of energy or fuel used in Prince George’s County.

(2) The percentage of a tax imposed under this section may not exceed the percentage in effect on July 1, 1992.

(e) The net proceeds of the tax imposed under this section shall be used only [for funding of]:

(1) **FOR FUNDING OF** the public ethics provisions under Title 5, Subtitle 8, Part V of the General Provisions Article; or

(2) [public education in the following budget categories in Prince George’s County:

- (i) instructional salaries;
- (ii) instructional materials and related costs;
- (iii) special education; and

(iv) fixed charges] **TO MEET THE COUNTY'S FUNDING REQUIREMENTS UNDER § 5-235(A) OF THE EDUCATION ARTICLE.**

[(f) For each fiscal year, Prince George's County shall appropriate local money to the school operating budget in an amount not less than the sum of:

(1) the excess of the amount of the projected revenue for the fiscal year from the tax authorized under this section over the projected revenue from the tax for the prior fiscal year; and

(2) the amount of local money that Prince George's County is required by State law to appropriate to the school operating budget.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, May 16, 2024.**