

SENATE BILL 1301

B1

2lr0252
CF HB 1801

By: **The President (By Request – Administration)**

Introduced and read first time: May 14, 2012

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: May 14, 2012

CHAPTER _____

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2012**

3 FOR the purpose of altering or repealing certain required appropriations; altering the
4 distribution of certain revenues; altering or repealing certain funding
5 requirements; altering the authorized use of certain funds; authorizing the
6 transfer of certain funds; requiring certain appropriations to certain counties;
7 altering the distribution of certain traffic conviction surcharges; requiring the
8 State Court Administrator to submit a certain annual report on or before a
9 certain date; altering certain categories required to be included in certain
10 annual budgets of county boards of education; prohibiting a county council or
11 board of county commissioners from reducing a certain budget amount for a
12 county board of education; authorizing the State to deduct a certain amount
13 under certain circumstances from certain State funds that would otherwise be
14 paid to certain county boards of education in a certain fiscal year; requiring the
15 State to provide a certain grant to a county board of education in a certain fiscal
16 year if certain funding provided to a county board decreases by a certain
17 amount; adding St. Mary's College of Maryland to the list of public senior higher
18 education institutions eligible for money from the Higher Education Investment
19 Fund; clarifying language relating to the Higher Education Investment Fund;
20 providing a certain exception to a certain requirement that certain money is to
21 be included in the budget bill; altering certain State education funding for
22 certain fiscal years; authorizing the Department of Health and Mental Hygiene
23 to impose a certain claims processing charge on certain Medicaid claims; setting
24 a limit on the claims processing charge; requiring the Department of Health and
25 Mental Hygiene to adopt certain regulations; repealing a requirement for a

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 certain payment to certain nursing facilities under certain circumstances;
2 altering a certain authority for the Health Services Cost Review Commission to
3 adopt certain regulations under certain circumstances; requiring a certain
4 nonprofit health service plan to provide a certain subsidy; altering the
5 percentage of the amount that may be assessed in the aggregate on certain
6 nursing facilities; requiring that certain proceeds of a certain account be
7 transferred into the Mental Hygiene Community-Based Services Fund;
8 repealing a certain provision related to the Injured Workers' Insurance Fund;
9 providing that the State has no interest in the assets of the Injured Workers'
10 Insurance Fund and that all revenues, money, and assets of the Fund belong to
11 the Fund and are held in trust for certain persons; prohibiting the State from
12 borrowing, appropriating, or directing payments from the Fund for any purpose;
13 prohibiting the dissolution of the Fund; providing that certain money received
14 by the State or otherwise subject to the direction or control of a State official as
15 a result of a certain settlement, judgment, or consent decree shall be deposited
16 in the State treasury, shall be expended only in a certain manner, and may be
17 transferred by budget amendment; providing for a certain exception;
18 authorizing certain State officials to recommend certain restrictions on the use
19 of certain payments; requiring certain State officials to make certain requests;
20 establishing a Mortgage Loan Servicing Practices Settlement Fund as a
21 continuing, nonlapsing fund; requiring certain funds to be credited to the
22 Mortgage Loan Servicing Practices Settlement Fund; providing for the use of
23 the Mortgage Loan Servicing Practices Settlement Fund; requiring the
24 Governor to take certain actions in connection with each program, project, or
25 activity receiving certain funds; exempting certain interest earnings from a
26 requirement that certain interest accrue to the General Fund; altering certain
27 commissions for certain licensed agents for a certain fiscal year; requiring
28 county boards of education to pay a certain portion of certain employer
29 contributions for certain members of the Teachers' Retirement System or the
30 Teachers' Pension System; requiring the Board of Trustees for the State
31 Retirement and Pension System to include a separate certification of a certain
32 normal contribution rate in the certification of certain rates; providing for the
33 manner of payment by certain county boards of education for certain employer
34 contributions; requiring certain county boards of education to make certain
35 payments of certain employer contributions in certain fiscal years; requiring the
36 Comptroller to withhold certain delinquent amounts from any money due under
37 certain circumstances; requiring the Maryland Aviation Administration Fire
38 Rescue Service to charge a certain ambulance transport fee; prohibiting certain
39 regulations adopted by the Secretary of Health and Mental Hygiene from
40 applying to certain prior calendar years; authorizing the Department of Health
41 and Mental Hygiene to make certain changes to a certain methodology in
42 connection with a certain Value Based Purchasing Initiative for a certain
43 calendar year; altering the time period during which a certain education index
44 adjustment is to be updated; altering certain criteria and methodology to be
45 used in updating a certain education index adjustment; prohibiting the payment
46 of certain merit increases for certain State employees for a certain period;
47 requiring certain reports to be submitted to certain committees of the General

1 Assembly; authorizing a county board of education to spend certain funds after
2 approval by the county fiscal authority; requiring the county fiscal authority to
3 approve the amount of certain funds within a certain period of time; providing
4 that failure to take action constitutes approval by the county fiscal authority
5 under certain circumstances; requiring the Governor to include a certain
6 transfer in the budget bill for a certain fiscal year; declaring the intent of the
7 General Assembly; repealing certain provisions relating to payment of
8 overpayment of retirement contributions for certain members of the Teachers'
9 Retirement System or the Teachers' Pension System; setting certain limits on
10 increases in payments to certain providers for a certain fiscal year; requiring
11 the Health Services Cost Review Commission to approve certain remittances to
12 support the general operations of the Medicaid program; authorizing a certain
13 reduction to the remittances; requiring that the Governor transfer a certain
14 amount from the Injured Workers' Insurance Fund to a certain special fund
15 under certain circumstances; providing that the Injured Workers' Insurance
16 Fund and its successor are jointly liable for a certain payment to the State
17 under certain circumstances; providing that a certain transfer resolves certain
18 claims; requiring that certain money received by the State as a result of a
19 certain approved merger between Exelon Corporation and Constellation Energy
20 Group be expended only in a certain manner; providing that certain money
21 received by the State is not subject to transfer by budget amendment, except
22 under certain circumstances; requiring each county to appropriate to the county
23 board of education certain amounts; requiring that for a certain fiscal year a
24 certain maintenance of effort amount be calculated in a certain manner;
25 requiring that for a certain fiscal year the maintenance of effort calculation for
26 Baltimore City exclude certain reductions in the cost of health benefits for
27 retired employees of the Baltimore City Public School System under certain
28 circumstances; providing that a certain provision of law does not apply to a
29 certain process for awarding a video lottery operation license; authorizing
30 certain counties to reduce a certain education funding requirement in a certain
31 fiscal year under certain circumstances; requiring the Governor to reduce
32 certain appropriations by a certain amount and to propose certain additional
33 reductions for a certain fiscal year under certain circumstances; reducing
34 certain appropriations for a certain fiscal year in a certain manner; requiring
35 the implementation of certain reductions in appropriations without the review
36 or approval by the Board of Public Works; altering certain procedural
37 requirements concerning the allocation of certain statewide reductions in
38 appropriations; providing for the distribution of certain revenues for a certain
39 fiscal year to a certain special fund, to be used only for certain purposes;
40 authorizing for a certain fiscal year the use of certain funds for certain purposes
41 subject to a certain budget amendment procedure; requiring a certain reversion
42 of funds to the General Fund; altering the budget amendment process under
43 certain circumstances; defining certain terms; altering certain definitions;
44 providing for the construction of certain provisions of this Act; providing for the
45 termination of certain provisions of this Act; making the provisions of this Act
46 severable; providing for the effective dates of this Act; and generally relating to
47 the financing of State and local government.

- 1 BY repealing
2 Article 24 – Political Subdivisions – Miscellaneous Provisions
3 Section 9–1104
4 Annotated Code of Maryland
5 (2011 Replacement Volume)
- 6 BY adding to
7 Article 24 – Political Subdivisions – Miscellaneous Provisions
8 Section 9–1105
9 Annotated Code of Maryland
10 (2011 Replacement Volume)
- 11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 7–301(f)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2011 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Economic Development
18 Section 10–523(a)(3)(i)
19 Annotated Code of Maryland
20 (2008 Volume and 2011 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 5–101(b)(4), 5–103(c), 5–105(c), 5–202(i), 5–206(f)(2), 15–106.6(a)(3) and
24 (b)(9), 16–305(c)(1)(i), 16–512(a)(1), and 17–104(a)(1)
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2011 Supplement)
- 27 BY adding to
28 Article – Education
29 Section 5–105(d), 5–202(j), 16–305(c)(1)(iv), 16–512(a)(4), and 17–104(a)(3)
30 Annotated Code of Maryland
31 (2008 Replacement Volume and 2011 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article – Environment
34 Section 7–604(b) and (h) and 9–1707(f)(6)
35 Annotated Code of Maryland
36 (2007 Replacement Volume and 2011 Supplement)
- 37 BY repealing and reenacting, without amendments,
38 Article – Environment
39 Section 9–1707(f)(1)

- 1 Annotated Code of Maryland
2 (2007 Replacement Volume and 2011 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 15–117(b) and (c), 19–214(b) and (c), 19–310.1(b)(2), and 24–1105
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2011 Supplement)
- 8 BY adding to
9 Article – Health – General
10 Section 15–102.8
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article – Insurance
15 Section 14–106(d)
16 Annotated Code of Maryland
17 (2011 Replacement Volume)
18 (As enacted by Chapter 66 of the Acts of the General Assembly of 2012)
- 19 BY repealing and reenacting, with amendments,
20 Article – Insurance
21 Section 14–106.1 and 14–504(e)
22 Annotated Code of Maryland
23 (2011 Replacement Volume)
- 24 BY repealing
25 Article – Labor and Employment
26 Section 10–127
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2011 Supplement)
- 29 BY adding to
30 Article – Labor and Employment
31 Section 10–127
32 Annotated Code of Maryland
33 (2008 Replacement Volume and 2011 Supplement)
- 34 BY repealing and reenacting, without amendments,
35 Article – State Finance and Procurement
36 Section 6–226(a)(2)(i)
37 Annotated Code of Maryland
38 (2009 Replacement Volume and 2011 Supplement)
- 39 BY adding to

- 1 Article – State Finance and Procurement
2 Section 6–226(a)(2)(ii)64., 7–310.1, and 7–328
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2011 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – State Finance and Procurement
7 Section 6–226(a)(2)(ii)62. and 63.
8 Annotated Code of Maryland
9 (2009 Replacement Volume and 2011 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 9–117(a)(1) and 12–203
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)
- 15 BY repealing and reenacting, without amendments,
16 Article – State Personnel and Pensions
17 Section 21–125(b) and 21–304(c)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – State Personnel and Pensions
22 Section 21–304(a) and (b) and 21–308(a)(1)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2011 Supplement)
- 25 BY adding to
26 Article – State Personnel and Pensions
27 Section 21–309.1
28 Annotated Code of Maryland
29 (2009 Replacement Volume and 2011 Supplement)
- 30 BY repealing
31 Article – Tax – General
32 Section 2–608(c), (d), (e), and (f)
33 Annotated Code of Maryland
34 (2010 Replacement Volume and 2011 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – Tax – General
37 Section 2–1104(b)
38 Annotated Code of Maryland
39 (2010 Replacement Volume and 2011 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article – Transportation
3 Section 4–321(e)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)
- 6 BY adding to
7 Article – Transportation
8 Section 5–415
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2010 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 12–118(e)(2)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)
16 (As enacted by Chapter 500 of the Acts of the General Assembly of 2009)
- 17 BY repealing and reenacting, with amendments,
18 Chapter 193 of the Acts of the General Assembly of 2005
19 Section 2 and 3
- 20 BY repealing and reenacting, with amendments,
21 Chapter 2 of the Acts of the General Assembly of the Special Session of 2007
22 Section 13(a)
- 23 BY repealing and reenacting, with amendments,
24 Chapter 397 of the Acts of the General Assembly of 2011
25 Section 11 and 24
- 26 BY repealing and reenacting, without amendments,
27 Article – Education
28 Section 5–105(a)
29 Annotated Code of Maryland
30 (2008 Replacement Volume and 2011 Supplement)
- 31 BY repealing
32 Article – Education
33 Section 5–203
34 Annotated Code of Maryland
35 (2008 Replacement Volume and 2011 Supplement)
- 36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
37 MARYLAND, That the Laws of Maryland read as follows:
- 38 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

1 [9–1104.

2 The Governor shall include in the budget bill for each fiscal year a General
3 Fund appropriation to Baltimore City of \$3,075,000.]

4 **9–1105.**

5 **THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL**
6 **YEAR A GENERAL FUND APPROPRIATION FOR THE FOLLOWING TEACHER**
7 **RETIREMENT SUPPLEMENTAL GRANTS TO THE COUNTIES:**

8 (1) ALLEGANY COUNTY – \$1,632,106;

9 (2) BALTIMORE CITY – \$10,047,596;

10 (3) BALTIMORE COUNTY – \$3,000,000;

11 (4) CAROLINE COUNTY – \$685,108;

12 (5) DORCHESTER COUNTY – \$308,913;

13 (6) GARRETT COUNTY – \$406,400;

14 (7) PRINCE GEORGE’S COUNTY – \$9,628,702;

15 (8) SOMERSET COUNTY – \$381,999; AND

16 (9) WICOMICO COUNTY – \$1,567,837.

17 **Article – Courts and Judicial Proceedings**

18 7–301.

19 (f) (1) This subsection does not apply to a traffic case under § 21–202.1, §
20 21–809, or § 21–810 of the Transportation Article or to a parking or impounding case.

21 (2) In a traffic case under subsection (a)(1) of this section the court
22 shall add a \$7.50 surcharge to the court costs imposed by the court.

23 (3) (i) The Comptroller annually shall credit the surcharges
24 collected under this subsection as provided in this paragraph.

25 (ii) An amount annually as set forth in the State budget shall be
26 distributed for the Charles W. Riley Fire and Emergency Medical Services Tuition
27 Reimbursement Program as established in § 18–603 of the Education Article.

1 (iii) After the distribution under subparagraph (ii) of this
2 paragraph, [subject to subparagraph (iv) of this paragraph,] **\$200,000 SHALL BE**
3 **DISTRIBUTED TO THE MARYLAND STATE FIREMEN'S ASSOCIATION.**

4 (IV) **AFTER THE DISTRIBUTION UNDER SUBPARAGRAPHS (II)**
5 **AND (III) OF THIS PARAGRAPH AND UNTIL A TOTAL OF \$20,000,000 HAS BEEN**
6 **DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND SINCE THE**
7 **ESTABLISHMENT OF THE SURCHARGE UNDER THIS SUBSECTION, THE**
8 **REMAINDER SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE**
9 **FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8,**
10 **SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.**

11 (V) **AFTER A TOTAL OF \$20,000,000 HAS BEEN**
12 **DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND,** 100% of the
13 remainder shall be credited to the Maryland Emergency Medical Systems Operation
14 Fund established under § 13-955 of the Transportation Article.

15 [(iv) For fiscal years 2012 and 2013 only, before the distribution
16 to the Maryland Emergency Medical Systems Operation Fund under subparagraph
17 (iii) of this paragraph, from the surcharges collected under this subsection, an amount
18 equal to \$8,201,311 for fiscal year 2012 and \$2,114,000 for fiscal year 2013 shall be
19 credited to the Volunteer Company Assistance Fund to be used in accordance with the
20 provisions of Title 8, Subtitle 2 of the Public Safety Article.]

21 (VI) **ON OR BEFORE SEPTEMBER 1 OF EACH YEAR UNTIL**
22 **\$20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY**
23 **ASSISTANCE FUND, THE STATE COURT ADMINISTRATOR SHALL SUBMIT A**
24 **REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE**
25 **APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
26 **GOVERNMENT ARTICLE, ON THE AMOUNT OF REVENUE DISTRIBUTED TO THE**
27 **VOLUNTEER COMPANY ASSISTANCE FUND UNDER THIS PARAGRAPH.**

28 Article – Economic Development

29 10-523.

30 (a) (3) (i) To assist the Corporation in complying with subsection (c) of
31 this section, the Governor shall include each year in the State budget bill an
32 appropriation to the Corporation for rural business development and assistance as
33 follows:

- 34 1. for fiscal year 2011, \$2,750,000;
- 35 2. for fiscal year 2012, \$2,750,000;

1 **(II) SHALL** indicate in writing, within 15 days after the
2 adoption of the budget, which major categories of the annual budget have been
3 reduced and the reason for the reduction; and

4 (2) The county board shall submit to the county governing body,
5 within 30 days after the adoption of the budget, a report indicating how the alterations
6 to the budget will be implemented, accompanied by reasonable supporting detail and
7 analysis.

8 5–202.

9 (i) (1) In this subsection, “total direct education aid” means the total
10 financial assistance provided by the State to a county board under the following
11 programs:

12 (i) Funding for the foundation program including funds for the
13 Geographic Cost of Education under this section;

14 (ii) Transportation aid under § 5–205 of this subtitle;

15 (iii) Funding for compensatory education under § 5–207 of this
16 subtitle;

17 (iv) Funding for students with limited English proficiency under
18 § 5–208 of this subtitle;

19 (v) Funding for special education students under § 5–209 of this
20 subtitle;

21 (vi) Funding for the guaranteed tax base program under § 5–210
22 of this subtitle; and

23 (vii) Funding for grants provided under this subsection.

24 (2) For fiscal year 2012 only, if a county board’s total direct education
25 aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then
26 the State shall provide a grant to the county board in an amount necessary to ensure
27 that a decrease in total direct education aid is not more than 6.5%.

28 **(3) FOR FISCAL YEAR 2013 ONLY, IF A COUNTY BOARD’S TOTAL**
29 **DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE**
30 **PRIOR FISCAL YEAR BY MORE THAN 5%, THEN THE STATE SHALL PROVIDE A**
31 **GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A**
32 **DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 5%.**

1 **(J) IF A FINAL COURT JUDGMENT REQUIRES THE STATE TO INCLUDE IN**
 2 **THE BUDGET BILL MONEY TO SATISFY A JUDGMENT AGAINST THE COUNTY**
 3 **BOARD OF EDUCATION, THE STATE MAY DEDUCT THAT AMOUNT FROM ANY**
 4 **OTHER STATE FUNDS THAT WOULD OTHERWISE BE PAID TO THE COUNTY BOARD**
 5 **OF EDUCATION UNDER THIS SUBTITLE IN THE FOLLOWING FISCAL YEAR.**

6 5-206.

7 **(f) (2) [The] IN FISCAL YEAR 2013 AND IN EACH FISCAL YEAR**
 8 **THEREAFTER, THE funding level for a county is[:**

9 **(i) In fiscal year 2011,] the following amounts for the following**
 10 **counties:**

11	[1.] (I)	Allegany County	\$97,791;
12	[2.] (II)	Anne Arundel County.....	\$506,038;
13	[3.] (III)	Baltimore City	\$1,387,924;
14	[4.] (IV)	Baltimore County	\$874,227;
15	[5.] (V)	Calvert County	\$38,292;
16	[6.] (VI)	Caroline County.....	\$50,074;
17	[7.] (VII)	Carroll County	\$137,261;
18	[8.] (VIII)	Cecil County.....	\$96,024;
19	[9.] (IX)	Charles County	\$50,074;
20	[10.] (X)	Dorchester County.....	\$38,292;
21	[11.] (XI)	Frederick County.....	\$182,622;
22	[12.] (XII)	Garrett County	\$38,292;
23	[13.] (XIII)	Harford County.....	\$217,379;
24	[14.] (XIV)	Howard County.....	\$87,776;
25	[15.] (XV)	Kent County.....	\$38,292;
26	[16.] (XVI)	Montgomery County	\$602,651;

- 1 [17.] (XVII) Prince George’s County\$1,209,426;
- 2 [18.] (XVIII) Queen Anne’s County\$50,074;
- 3 [19.] (XIX) St. Mary’s County\$50,074;
- 4 [20.] (XX) Somerset County\$38,292;
- 5 [21.] (XXI) Talbot County\$38,292;
- 6 [22.] (XXII) Washington County\$134,904;
- 7 [23.] (XXIII) Wicomico County \$106,627; and
- 8 [24.] (XXIV) Worcester County\$38,292[; and

9 (ii) In fiscal year 2012 and in each fiscal year thereafter, the
 10 funding level for the county for the prior fiscal year].

11 15–106.6.

12 (a) (3) “Public Senior Higher Education Institution” has the meaning
 13 stated in § [10–101(m)(1) and (2)] **10–101(m)** of this article.

14 (b) (9) Money in the Fund may be expended only:

15 (i) To supplement General Fund appropriations to [public
 16 senior higher education institutions and] research institutes of the University System
 17 of Maryland **AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS;**

18 (ii) For capital projects for [public senior higher education
 19 institutions and] research institutes of the University System of Maryland **AND**
 20 **PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS;**

21 (iii) For workforce development initiatives administered by the
 22 Commission; and

23 (iv) For initiatives to address higher education needs related to
 24 the United States Department of Defense Base Realignment and Closure process.

25 16–305.

1 (c) (1) (i) The total State operating fund per full-time equivalent
2 student to the community colleges for each fiscal year **OTHER THAN FISCAL YEAR**
3 **2013**, as requested by the Governor shall be:

4 1. In fiscal year 2009, not less than an amount equal to
5 26.25% of the State's General Fund appropriation per full-time equivalent student to
6 the 4-year public institutions of higher education in the State as designated by the
7 Commission for the purpose of administering the Joseph A. Sellinger Program under
8 Title 17 of this article in the previous fiscal year;

9 2. In fiscal year 2010, not less than an amount equal to
10 23.6% of the State's General Fund appropriation per full-time equivalent student to
11 the 4-year public institutions of higher education in the State as designated by the
12 Commission for the purpose of administering the Joseph A. Sellinger Program under
13 Title 17 of this article in the same fiscal year;

14 3. In fiscal year 2011, not less than an amount equal to
15 21.8% of the State's General Fund appropriation per full-time equivalent student to
16 the 4-year public institutions of higher education in the State as designated by the
17 Commission for the purpose of administering the Joseph A. Sellinger Program under
18 Title 17 of this article in the same fiscal year;

19 4. In fiscal year 2012, not less than an amount equal to
20 20% of the State's General Fund appropriation per full-time equivalent student to the
21 4-year public institutions of higher education in the State as designated by the
22 Commission for the purpose of administering the Joseph A. Sellinger Program under
23 Title 17 of this article in the same fiscal year;

24 [5. In fiscal year 2013, not less than an amount equal to
25 19% of the State's General Fund appropriation per full-time equivalent student to the
26 4-year public institutions of higher education in the State as designated by the
27 Commission for the purpose of administering the Joseph A. Sellinger Program under
28 Title 17 of this article in the same fiscal year;]

29 [6.] 5. In fiscal year 2014, [not less than an amount
30 equal to 19%] **AN AMOUNT THAT IS THE GREATER OF 19.7% OF THE STATE'S**
31 **GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT** to the
32 4-year public institutions of higher education in the State as designated by the
33 Commission for the purpose of administering the Joseph A. Sellinger Program under
34 Title 17 of this article in the same fiscal year **OR \$1,839.47 PER FULL-TIME**
35 **EQUIVALENT STUDENT;**

36 [7.] 6. In fiscal year 2015, [not less than an amount
37 equal to 19.5%] **AN AMOUNT THAT IS THE GREATER OF 19.7% OF THE STATE'S**
38 **GENERAL FUND** appropriation per full-time equivalent student to the 4-year public
39 institutions of higher education in the State as designated by the Commission for the

1 purpose of administering the Joseph A. Sellinger Program under Title 17 of this article
2 in the same fiscal year **OR \$1,839.47 PER FULL-TIME EQUIVALENT STUDENT;**

3 [8.] 7. In fiscal year 2016, [not less than an amount
4 equal to 21%] **AN AMOUNT THAT IS THE GREATER OF 19% OF THE STATE'S**
5 **GENERAL FUND** appropriation per full-time equivalent student to the 4-year public
6 institutions of higher education in the State as designated by the Commission for the
7 purpose of administering the Joseph A. Sellinger Program under Title 17 of this article
8 in the same fiscal year **OR \$1,839.47 PER FULL-TIME EQUIVALENT STUDENT;**

9 [9.] 8. In fiscal year 2017, [not less than an amount
10 equal to 22%] **AN AMOUNT THAT IS THE GREATER OF 19% OF THE STATE'S**
11 **GENERAL FUND** appropriation per full-time equivalent student to the 4-year public
12 institutions of higher education in the State as designated by the Commission for the
13 purpose of administering the Joseph A. Sellinger Program under Title 17 of this article
14 in the same fiscal year **OR \$1,839.47 PER FULL-TIME EQUIVALENT STUDENT;**

15 [10.] 9. In fiscal year 2018, not less than an amount
16 equal to [23%] **20% OF THE STATE'S GENERAL FUND APPROPRIATION PER**
17 **FULL-TIME** equivalent student to the 4-year public institutions of higher education in
18 the State as designated by the Commission for the purpose of administering the
19 Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

20 [11.] 10. In fiscal year 2019, not less than an amount
21 equal to [24%] **21%** of the State's General Fund appropriation per full-time
22 equivalent student to the 4-year public institutions of higher education in the State as
23 designated by the Commission for the purpose of administering the Joseph A.
24 Sellinger Program under Title 17 of this article in the same fiscal year;

25 [12.] 11. In fiscal year 2020, not less than an amount
26 equal to [25%] **23%** of the State's General Fund appropriation per full-time
27 equivalent student to the 4-year public institutions of higher education in the State as
28 designated by the Commission for the purpose of administering the Joseph A.
29 Sellinger Program under Title 17 of this article in the same fiscal year;

30 [13.] 12. In fiscal year 2021, not less than an amount
31 equal to [26%] **25%** of the State's General Fund appropriation per full-time
32 equivalent student to the 4-year public institutions of higher education in the State as
33 designated by the Commission for the purpose of administering the Joseph A.
34 Sellinger Program under Title 17 of this article in the same fiscal year;

35 [14.] 13. In fiscal year 2022, not less than an amount
36 equal to [27.5%] **27%** of the State's General Fund appropriation per full-time
37 equivalent student to the 4-year public institutions of higher education in the State as

1 designated by the Commission for the purpose of administering the Joseph A.
 2 Sellinger Program under Title 17 of this article in the same fiscal year; and

3 [15.] 14. In fiscal year 2023 and each fiscal year
 4 thereafter, not less than an amount equal to 29% of the State’s General Fund
 5 appropriation per full-time equivalent student to the 4-year public institutions of
 6 higher education in the State as designated by the Commission for the purpose of
 7 administering the Joseph A. Sellinger Program under Title 17 of this article in the
 8 same fiscal year.

9 (IV) IN FISCAL YEAR 2013, THE TOTAL STATE OPERATING
 10 FUNDS FOR COMMUNITY COLLEGES SHALL BE \$199,176,114, TO BE
 11 DISTRIBUTED AS FOLLOWS:

- 12 1. ALLEGANY COLLEGE\$4,773,622;
- 13 2. ANNE ARUNDEL COMMUNITY
 14 COLLEGE\$27,235,329;
- 15 3. COMMUNITY COLLEGE OF BALTIMORE
 16 COUNTY\$34,398,366;
- 17 4. CARROLL COMMUNITY COLLEGE\$6,851,515;
- 18 5. CECIL COMMUNITY COLLEGE\$4,645,751;
- 19 6. COLLEGE OF SOUTHERN
 20 MARYLAND\$10,902,580;
- 21 7. CHESAPEAKE COLLEGE\$5,675,815;
- 22 8. FREDERICK COMMUNITY COLLEGE ...\$8,145,648;
- 23 9. GARRETT COLLEGE\$2,246,709;
- 24 10. HAGERSTOWN COMMUNITY
 25 COLLEGE\$6,965,064;
- 26 11. HARFORD COMMUNITY COLLEGE\$9,990,806;
- 27 12. HOWARD COMMUNITY COLLEGE\$12,584,485;
- 28 13. MONTGOMERY COLLEGE\$35,998,553;

1 14. PRINCE GEORGE'S COMMUNITY
2 COLLEGE\$22,013,074; AND

3 15. WOR-WIC COMMUNITY COLLEGE\$6,748,796.

4 16-512.

5 (a) (1) The total State operating fund per full-time equivalent student
6 appropriated to Baltimore City Community College for each fiscal year **OTHER THAN**
7 **FISCAL YEAR 2013**, as requested by the Governor shall be:

8 (i) In fiscal year 2009, not less than an amount equal to 67.25%
9 of the State's General Fund appropriation per full-time equivalent student to the
10 4-year public institutions of higher education in the State as designated by the
11 Commission for the purpose of administering the Joseph A. Sellinger Program under
12 Title 17 of this article in the previous fiscal year;

13 (ii) In fiscal year 2010, not less than an amount equal to 65.1%
14 of the State's General Fund appropriation per full-time equivalent student to the
15 4-year public institutions of higher education in the State as designated by the
16 Commission for the purpose of administering the Joseph A. Sellinger Program under
17 Title 17 of this article in the same fiscal year;

18 (iii) In fiscal year 2011, not less than an amount equal to 65.5%
19 of the State's General Fund appropriation per full-time equivalent student to the
20 4-year public institutions of higher education in the State as designated by the
21 Commission for the purpose of administering the Joseph A. Sellinger Program under
22 Title 17 of this article in the same fiscal year;

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

28 [(v) In fiscal year 2013, not less than an amount equal to 63.5%
29 of the State's General Fund appropriation per full-time equivalent student to the
30 4-year public institutions of higher education in the State as designated by the
31 Commission for the purpose of administering the Joseph A. Sellinger Program under
32 Title 17 of this article in the same fiscal year;]

33 [(vi) (v) In fiscal year 2014, [not less than an amount equal to
34 64%] **AN AMOUNT THAT IS THE GREATER OF 61%** of the State's General Fund
35 appropriation per full-time equivalent student to the 4-year public institutions of
36 higher education in the State as designated by the Commission for the purpose of

1 administering the Joseph A. Sellinger Program under Title 17 of this article in the
2 same fiscal year **OR \$5,695.63 PER FULL-TIME EQUIVALENT STUDENT;**

3 ~~[(vii)] (VI)~~ In fiscal year 2015, [not less than an amount equal to
4 64.5%] **AN AMOUNT THAT IS THE GREATER OF 61%** of the State's General Fund
5 appropriation per full-time equivalent student to the 4-year public institutions of
6 higher education in the State as designated by the Commission for the purpose of
7 administering the Joseph A. Sellinger Program under Title 17 of this article in the
8 same fiscal year **OR \$5,695.63 PER FULL-TIME EQUIVALENT STUDENT;**

9 ~~[(viii)] (VII)~~ In fiscal year 2016, [not less than an amount equal
10 to 64.75%] **AN AMOUNT THAT IS THE GREATER OF 58%** of the State's General Fund
11 appropriation per full-time equivalent student to the 4-year public institutions of
12 higher education in the State as designated by the Commission for the purpose of
13 administering the Joseph A. Sellinger Program under Title 17 of this article in the
14 same fiscal year **OR \$5,695.63 PER FULL-TIME EQUIVALENT STUDENT;**

15 ~~[(ix)] (VIII)~~ In fiscal year 2017, [not less than an amount equal
16 to 65.25%] **AN AMOUNT THAT IS THE GREATER OF 58%** of the State's General Fund
17 appropriation per full-time equivalent student to the 4-year public institutions of
18 higher education in the State as designated by the Commission for the purpose of
19 administering the Joseph A. Sellinger Program under Title 17 of this article in the
20 same fiscal year **OR \$5,695.63 PER FULL-TIME EQUIVALENT STUDENT;**

21 ~~[(x)] (IX)~~ In fiscal year 2018, not less than an amount equal to
22 [65.75%] **60%** of the State's General Fund appropriation per full-time equivalent
23 student to the 4-year public institutions of higher education in the State as designated
24 by the Commission for the purpose of administering the Joseph A. Sellinger Program
25 under Title 17 of this article in the same fiscal year;

26 ~~[(xi)] (X)~~ In fiscal year 2019, not less than an amount equal to
27 [66.25%] **61%** of the State's General Fund appropriation per full-time equivalent
28 student to the 4-year public institutions of higher education in the State as designated
29 by the Commission for the purpose of administering the Joseph A. Sellinger Program
30 under Title 17 of this article in the same fiscal year;

31 ~~[(xii)] (XI)~~ In fiscal year 2020, not less than an amount equal to
32 [67%] **62.5%** of the State's General Fund appropriation per full-time equivalent
33 student to the 4-year public institutions of higher education in the State as designated
34 by the Commission for the purpose of administering the Joseph A. Sellinger Program
35 under Title 17 of this article in the same fiscal year;

36 ~~[(xiii)] (XII)~~ In fiscal year 2021, not less than an amount equal to
37 [67.5%] **64.5%** of the State's General Fund appropriation per full-time equivalent
38 student to the 4-year public institutions of higher education in the State as designated

1 by the Commission for the purpose of administering the Joseph A. Sellinger Program
2 under Title 17 of this article in the same fiscal year;

3 [(xiv)] **(XIII)** In fiscal year 2022, not less than an amount equal to
4 **[68%] 66.5%** of the State's General Fund appropriation per full-time equivalent
5 student to the 4-year public institutions of higher education in the State as designated
6 by the Commission for the purpose of administering the Joseph A. Sellinger Program
7 under Title 17 of this article in the same fiscal year; and

8 [(xv)] **(XIV)** In fiscal year 2023 and each fiscal year thereafter,
9 not less than an amount equal to 68.5% of the State's General Fund appropriation per
10 full-time equivalent student to the 4-year public institutions of higher education in
11 the State as designated by the Commission for the purpose of administering the
12 Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

13 **(4) IN FISCAL YEAR 2013, THE TOTAL STATE OPERATING FUNDS**
14 **APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE UNDER THIS**
15 **SECTION SHALL BE \$39,863,729.**

16 17-104.

17 (a) (1) Except as provided in paragraph (2) of this subsection, the
18 Maryland Higher Education Commission shall compute the amount of the annual
19 apportionment for each institution that qualifies under this subtitle by multiplying the
20 number of full-time equivalent students enrolled at the institution during the fall
21 semester of the fiscal year preceding the fiscal year for which the aid apportionment is
22 made, as determined by the Maryland Higher Education Commission by:

23 (i) In fiscal year 2009, an amount not less than 16% of the
24 State's General Fund per full-time equivalent student appropriation to the 4-year
25 public institutions of higher education in this State for the preceding fiscal year;

26 (ii) In fiscal year 2010, an amount not less than 12.85% of the
27 State's General Fund per full-time equivalent student appropriation to the 4-year
28 public institutions of higher education in the State for the same fiscal year;

29 (iii) In fiscal year 2011, an amount not less than 9.8% of the
30 State's General Fund per full-time equivalent student appropriation to the 4-year
31 public institutions of higher education in this State for the same fiscal year;

32 (iv) In fiscal year 2012, an amount not less than 9.2% of the
33 State's General Fund per full-time equivalent student appropriation to the 4-year
34 public institutions of higher education in this State for the same fiscal year;

1 [(v)] In fiscal year 2013, an amount not less than 9.7% of the
2 State's General Fund per full-time equivalent student appropriation to the 4-year
3 public institutions of higher education in this State for the same fiscal year;]

4 [(vi)] (V) In fiscal year 2014, [an amount not less than 10%] AN
5 AMOUNT THAT IS THE GREATER OF 9.4% of the State's General Fund per
6 full-time equivalent student appropriation to the 4-year public institutions of higher
7 education in this State for the same fiscal year OR \$875.53 PER FULL-TIME
8 EQUIVALENT STUDENT;

9 [(vii)] (VI) In fiscal year 2015, an amount [not less than 10.6%]
10 THAT IS THE GREATER OF 9.4% of the State's General Fund per full-time equivalent
11 student appropriation to the 4-year public institutions of higher education in this
12 State for the same fiscal year OR \$875.53 PER FULL-TIME EQUIVALENT STUDENT;

13 [(viii)] (VII) In fiscal year 2016, an amount [not less than 11.1%]
14 THAT IS THE GREATER OF 9% of the State's General Fund per full-time equivalent
15 student appropriation to the 4-year public institutions of higher education in this
16 State for the same fiscal year OR \$875.53 PER FULL-TIME EQUIVALENT STUDENT;

17 [(ix)] (VIII) In fiscal year 2017, an amount [not less than 12%]
18 THAT IS THE GREATER OF 9% of the State's General Fund per full-time equivalent
19 student appropriation to the 4-year public institutions of higher education in this
20 State for the same fiscal year OR \$875.53 PER FULL-TIME EQUIVALENT STUDENT;

21 [(x)] (IX) In fiscal year 2018, an amount not less than [13%]
22 9.3% of the State's General Fund per full-time equivalent student appropriation to
23 the 4-year public institutions of higher education in this State for the same fiscal year;

24 [(xi)] (X) In fiscal year 2019, an amount not less than [14%]
25 11.3% of the State's General Fund per full-time equivalent student appropriation to
26 the 4-year public institutions of higher education in this State for the same fiscal year;

27 [(xii)] (XI) In fiscal year 2020, an amount not less than [15%]
28 13.3% of the State's General Fund per full-time equivalent student appropriation to
29 the 4-year public institutions of higher education in this State for the same fiscal year;
30 and

31 [(xiii)] (XII) In fiscal year 2021 and each fiscal year thereafter, an
32 amount not less than 15.5% of the State's General Fund per full-time equivalent
33 student appropriation to the 4-year public institutions of higher education in this
34 State for the same fiscal year.

35 (3) IN FISCAL YEAR 2013, THE TOTAL AMOUNT OF AID DUE TO
36 ALL INSTITUTIONS SHALL BE \$38,056,175.

1 **Article – Environment**

2 7–604.

3 (b) The Department shall use the Community Right-to-Know Fund for:

4 (1) The collection, management, and analysis of data received by the
5 Department from an owner or operator of a facility that is required by the federal Act
6 or any regulations adopted under the federal Act to provide information to the State
7 under § 7–602(b) of this subtitle;

8 (2) Enforcement by the State of this subtitle or the federal Act; [and]

9 (3) Planning and training functions performed by the State or local
10 instrumentalities as may be required by the federal Act including:

11 (i) Conducting:

12 1. Incident response activities;

13 2. Shelter in place and evacuation planning;

14 3. Railroad, maritime, and transportation exercises; and

15 4. Emergency response activities;

16 (ii) The collection of hazardous material commodity flow
17 information;

18 (iii) The acquisition and maintenance of chemical reference
19 materials;

20 (iv) Public outreach activities including case studies, school
21 safety, and emergency planning for citizens; and

22 (v) Participation by emergency response personnel in related
23 training conferences on local, State, and federal regulatory and compliance updates,
24 incident command, and crisis control; AND

25 **(4) EMERGENCY RESPONSE ACTIVITIES OF THE DEPARTMENT.**

26 (h) The Department [shall] MAY use 50% of the moneys in the Fund to
27 provide grants to local emergency planning committees.

28 9–1707.

- 1 (f) (1) There is a State Recycling Trust Fund.
- 2 (6) In accordance with the State budget, the Fund shall be used only:
- 3 (i) To provide grants to the counties to be used by the counties
4 to develop and implement local recycling plans;
- 5 (ii) To provide grants to counties that have addressed methods
6 for the separate collection and recycling of covered electronic devices in accordance
7 with § 9–1703(c)(1) of this subtitle;
- 8 (iii) To provide grants to municipalities to be used by the
9 municipalities to implement local covered electronic device recycling programs; and
- 10 (iv) To carry out the purposes of the [Office of Recycling under
11 this subtitle and under Title 6, Subtitle 9 of this article] **LAND MANAGEMENT**
12 **ADMINISTRATION.**

13 **Article – Health – General**

14 **15–102.8.**

15 **(A) THE DEPARTMENT MAY IMPOSE A CLAIMS PROCESSING CHARGE ON**
16 **ALL MEDICAID CLAIMS PROCESSED, APPROVED, AND PAID BY THE**
17 **DEPARTMENT TO HOSPITALS LOCATED IN THE DISTRICT OF COLUMBIA FOR**
18 **THE PROVISION OF INPATIENT AND OUTPATIENT HOSPITAL SERVICES.**

19 **(B) THE AMOUNT TO BE PAID UNDER SUBSECTION (A) OF THIS SECTION**
20 **MAY NOT EXCEED 6% OF THE AMOUNT OF CLAIMS PAID.**

21 **(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
22 **THIS SECTION.**

23 **15–117.**

24 (b) [(1)] To ensure that a bed is reserved for a Program recipient who is
25 [absent temporarily from a nursing facility, the Program shall include the following
26 payments for nursing facilities that have made a provider agreement with the
27 Department.

28 (2) If the Program recipient is absent from a nursing facility due to
29 hospitalization for an acute condition, the facility shall receive payment for each day
30 that the Program recipient is hospitalized and a bed is reserved and made available
31 for the return of that Program recipient.

1 (3) If a Program recipient is] on leave of absence from a nursing
2 facility **THAT HAS MADE A PROVIDER AGREEMENT WITH THE DEPARTMENT**, the
3 facility shall receive payment for each day that the Program recipient is absent and a
4 bed is reserved and made available for the return of that Program recipient.

5 (c) (1) [Payments under subsection (b)(2) of this section may not be made
6 for more than 15 days for any single hospital stay.

7 (2) (i) Payments under subsection [(b)(3)] **(B)** of this section may
8 not be made for more than 18 days in any calendar year.

9 [(ii)] **(2)** Notwithstanding any rule or regulation, a leave of
10 absence is not subject to any requirement that it may not exceed a particular number
11 of days a visit, except that the leave of absence may not exceed a total of 18 days
12 during any calendar year.

13 19–214.

14 (b) The Commission may adopt regulations establishing alternative methods
15 for financing the reasonable total costs of hospital uncompensated care **AND THE**
16 **DISPROPORTIONATE SHARE HOSPITAL PAYMENT** provided that the alternative
17 methods:

18 (1) Are in the public interest;

19 (2) Will equitably distribute the reasonable costs of uncompensated
20 care **AND THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT**;

21 (3) Will fairly determine the cost of reasonable uncompensated care
22 **AND THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT** included in hospital
23 rates;

24 (4) Will continue incentives for hospitals to adopt fair, efficient, and
25 effective credit and collection policies; and

26 (5) Will not result in significantly increasing costs to Medicare or the
27 loss of Maryland’s Medicare Waiver under § 1814(b) of the Social Security Act.

28 (c) Any funds generated through hospital rates under an alternative method
29 adopted by the Commission in accordance with subsection (b) of this section may only
30 be used to finance the delivery of hospital uncompensated care **AND THE**
31 **DISPROPORTIONATE SHARE HOSPITAL PAYMENT**.

32 19–310.1.

1 (b) (2) The amount assessed in the aggregate on all nursing facilities may
2 not exceed ~~[5.5%]~~ **6.0%** of the operating revenue for all nursing facilities subject to
3 this section for the previous fiscal quarter.

4 24–1105.

5 (a) The Trust Fund may only be used in accordance with this section.

6 (b) In accordance with an appropriation approved by the General Assembly
7 in the State budget, the Comptroller shall transfer [the investment earnings of]:

8 (1) The **INVESTMENT EARNINGS OF THE** Developmental Disabilities
9 Administration account of the Trust Fund into the Waiting List Equity Fund
10 established under § 7–205 of this article; and

11 (2) The **PROCEEDS AND INVESTMENT EARNINGS OF THE** Mental
12 Hygiene Administration account of the Trust Fund into the Mental Hygiene
13 Community–Based Services Fund established under § 10–208 of this article.

14 **Article – Insurance**

15 14–106.

16 (d) (1) Notwithstanding subsection (c) of this section, a nonprofit health
17 service plan that is subject to this section and issues comprehensive health care
18 benefits in the State shall:

19 (i) offer health care products in the individual market;

20 (ii) offer health care products in the small employer group
21 market in accordance with Title 15, Subtitle 12 of this article;

22 (iii) subsidize the Senior Prescription Drug Assistance Program
23 established under Subtitle 5, Part II of this title;

24 (iv) subsidize the Kidney Disease Program under Title 13,
25 Subtitle 3 of the Health – General Article; [and]

26 (v) support the costs of the Community Health Resources
27 Commission under Title 19, Subtitle 21 of the Health – General Article, including:

28 1. operating grants to community health resources;

29 2. funding for a unified data information system;

30 3. the documented direct costs of fulfilling the statutory
31 and regulatory duties of the Commission; and

1 4. the administrative costs of the Commission; AND

2 **(VI) SUBSIDIZE THE PROVISION OF MENTAL HEALTH**
3 **SERVICES TO THE UNINSURED UNDER TITLE 10, SUBTITLE 2 OF THE HEALTH –**
4 **GENERAL ARTICLE.**

5 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
6 the support provided under paragraph (1)(iv) [and (v)], **(V), AND (VI)** of this
7 subsection to the Kidney Disease Program [and], the Community Health Resources
8 Commission, **AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,**
9 respectively, shall be the value of the premium tax exemption less the subsidy
10 required under this subsection for the Senior Prescription Drug Assistance Program.

11 (ii) The subsidy provided under this subsection to the
12 Community Health Resources Commission may not be less than:

- 13 1. \$3,000,000 for each of fiscal years 2012 and 2013; and
14 2. \$8,000,000 for fiscal year 2014 and each fiscal year
15 thereafter.

16 (3) For any year, the subsidy and funding required under this
17 subsection by a nonprofit health service plan subject to this section may not exceed the
18 value of the nonprofit health service plan's premium tax exemption under § 6–101(b)
19 of this article.

20 14–106.1.

21 Beginning in fiscal year 2006, a nonprofit health service plan shall transfer
22 funds in the amounts provided under § 14–106(d)(2) of this subtitle to:

23 (1) the Community Health Resources Commission Fund established
24 under § 19–2201 of the Health – General Article to support the costs of the
25 Community Health Resources Commission as provided in § 14–106(d)(1)(v) of this
26 subtitle; [and]

27 (2) the Department of Health and Mental Hygiene for the Kidney
28 Disease Program under Title 13, Subtitle 3 of the Health – General Article; AND

29 **(3) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR**
30 **THE PROVISION OF MENTAL HEALTH SERVICES TO THE UNINSURED UNDER**
31 **TITLE 10, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE.**

32 14–504.

1 (e) (1) In addition to the operation and administration of the Plan, the
2 Fund shall be used:

3 (I) for the operation and administration of the Senior
4 Prescription Drug Assistance Program established under Part II of this subtitle; AND

5 (II) TO SUPPORT THE DEPARTMENT OF HEALTH AND
6 MENTAL HYGIENE FOR THE PROVISION OF MENTAL HEALTH SERVICES TO THE
7 UNINSURED UNDER TITLE 10, SUBTITLE 2 OF THE HEALTH – GENERAL
8 ARTICLE.

9 (2) The Board shall maintain separate accounts within the Fund for
10 the Senior Prescription Drug Assistance Program and the Maryland Health Insurance
11 Plan.

12 (3) Accounts within the Fund shall contain those moneys that are
13 intended to support the operation of the Program for which the account is designated.

14 Article – Labor and Employment

15 [10–127.

16 If the General Assembly repeals this subtitle, money in the Fund at the time of
17 repeal shall be distributed:

18 (1) as the General Assembly provides; or

19 (2) if the General Assembly does not provide for distribution, as justice
20 requires, with due regard for existing obligations for compensation.]

21 **10–127.**

22 (A) **THE STATE HAS NO INTEREST IN THE ASSETS OF THE FUND.**

23 (B) **ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG**
24 **SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR THE**
25 **POLICYHOLDERS, INJURED WORKERS AND THEIR FAMILIES, AND CREDITORS OF**
26 **THE FUND.**

27 (C) **THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT**
28 **PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY**
29 **PURPOSE.**

30 (D) **THE FUND MAY NOT BE DISSOLVED.**

1 **Article – State Finance and Procurement**

2 6–226.

3 (a) (2) (i) Notwithstanding any other provision of law, and unless
4 inconsistent with a federal law, grant agreement, or other federal requirement or with
5 the terms of a gift or settlement agreement, net interest on all State money allocated
6 by the State Treasurer under this section to special funds or accounts, and otherwise
7 entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue
8 to the General Fund of the State.

9 (ii) The provisions of subparagraph (i) of this paragraph do not
10 apply to the following funds:

11 62. Veterans Trust Fund; [and]

12 63. Transportation Trust Fund; AND

13 64. MORTGAGE LOAN SERVICING PRACTICES
14 SETTLEMENT FUND.

15 7–310.1.

16 (A) ANY MONEY RECEIVED BY THE STATE OR OTHERWISE SUBJECT TO
17 THE DIRECTION OR CONTROL OF A STATE OFFICIAL, AS A RESULT OF A
18 SETTLEMENT, JUDGMENT, OR CONSENT DECREE MADE OR ENTERED INTO
19 AFTER JANUARY 1, 2012:

20 (1) SHALL BE DEPOSITED IN THE STATE TREASURY; AND

21 (2) EXCEPT FOR FUNDS DESIGNATED AS RESTITUTION:

22 (I) SHALL BE EXPENDED ONLY AS AUTHORIZED IN THE
23 STATE BUDGET BILL AS ENACTED; AND

24 (II) MAY BE TRANSFERRED BY BUDGET AMENDMENT.

25 (B) IN NEGOTIATING ANY STATE PAYMENT UNDER ANY NATIONAL OR
26 MULTISTATE SETTLEMENT, JUDGMENT, OR CONSENT DECREE, A STATE
27 OFFICIAL MAY RECOMMEND RESTRICTIONS ON THE USE OF THAT STATE
28 PAYMENT BUT SHALL ALSO REQUEST THAT THE SETTLEMENT, JUDGMENT, OR
29 CONSENT DECREE ALSO PROVIDE THAT THE FUNDS MAY BE USED FOR ANY
30 PUBLIC PURPOSE, TO THE EXTENT THAT DOING SO IS NOT INCONSISTENT WITH
31 THE STATE OR ITS CITIZENS SECURING THE MAXIMUM BENEFIT FROM THE
32 SETTLEMENT, JUDGMENT, OR CONSENT DECREE.

1 7-328.

2 (A) THERE IS A MORTGAGE LOAN SERVICING PRACTICES SETTLEMENT
3 FUND.

4 (B) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
5 SUBJECT TO § 7-302 OF THIS SUBTITLE.

6 (2) EXCEPT FOR RESTITUTION AND FUNDS DESIGNATED AS
7 FINES, CIVIL PENALTIES, AND MONEY THAT ARE OTHERWISE REQUIRED UNDER
8 MARYLAND LAW, A JUDGMENT, OR A SETTLEMENT AGREEMENT TO BE PAID
9 INTO THE GENERAL FUND OF THE STATE, THERE SHALL BE CREDITED TO THE
10 FUND ALL REVENUES CONSISTING OF FUNDS RECEIVED BY THE STATE FROM
11 ANY SOURCE RESULTING, DIRECTLY OR INDIRECTLY, FROM ANY JUDGMENT
12 AGAINST OR SETTLEMENT WITH BANK MORTGAGE SERVICERS OR ANY OTHER
13 PERSON IN THE MORTGAGE SERVICING INDUSTRY RELATING TO LITIGATION,
14 ADMINISTRATIVE PROCEEDINGS, OR ANY OTHER CLAIMS MADE OR PROSECUTED
15 BY THE STATE TO RECOVER DAMAGES FOR VIOLATIONS OF STATE LAW.

16 (C) THE TREASURER SHALL:

17 (1) INVEST AND REINVEST THE FUND IN THE SAME MANNER AS
18 OTHER STATE FUNDS; AND

19 (2) CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

20 (D) EXPENDITURES FROM THE FUND SHALL BE MADE BY AN
21 APPROPRIATION IN THE ANNUAL STATE BUDGET OR MAY BE TRANSFERRED BY
22 BUDGET AMENDMENT.

23 (E) (1) THE FUND SHALL BE EXPENDED SUBJECT TO ANY
24 RESTRICTIONS ON ITS USE OR OTHER LIMITATIONS ON ITS ALLOCATION THAT
25 ARE:

26 (I) EXPRESSLY PROVIDED BY STATUTE; OR

27 (II) REQUIRED AS A CONDITION OF THE ACCEPTANCE OF
28 FUNDS.

29 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT
30 DISBURSEMENTS FROM THE FUND TO PROGRAMS FUNDED BY THE STATE OR
31 WITH FEDERAL FUNDS ADMINISTERED BY THE STATE SHALL BE USED AS
32 PROVIDED IN THIS SECTION SOLELY TO SUPPLEMENT, AND NOT TO SUPPLANT,

1 FUNDS OTHERWISE AVAILABLE FOR THE PROGRAMS UNDER FEDERAL OR STATE
2 LAW.

3 (F) (1) THE MORTGAGE LOAN SERVICING PRACTICES SETTLEMENT
4 FUND SHALL BE USED FOR HOUSING AND FORECLOSURE-RELIEF PURPOSES
5 AND FOR RELATED INVESTIGATION AND ENFORCEMENT ACTIVITIES,
6 INCLUDING:

7 (I) THE PROVISION OF HOUSING COUNSELING;

8 (II) LEGAL ASSISTANCE RELATED TO FORECLOSURE AND
9 HOUSING ACTIVITIES;

10 (III) CRIMINAL OR CIVIL INVESTIGATIONS OF FRAUD
11 RELATED TO HOUSING AND THE SECURITIZATION OF MORTGAGE LOANS;

12 (IV) RELEVANT ENFORCEMENT ACTIVITIES;

13 (V) FORECLOSURE PREVENTION, REMEDIATION, AND
14 RESTITUTION;

15 (VI) PROGRAMS TO ADDRESS COMMUNITY BLIGHT;

16 (VII) PROGRAMS REASONABLY TARGETED TO BENEFIT
17 PERSONS HARMED BY MORTGAGE FRAUD; AND

18 (VIII) ANY OTHER PUBLIC PURPOSE REASONABLY RELATED
19 TO HOUSING AND FORECLOSURE RELIEF.

20 (2) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE
21 CONSTRUED TO AFFECT THE GOVERNOR'S POWERS WITH RESPECT TO A
22 REQUEST FOR AN APPROPRIATION IN THE ANNUAL BUDGET BILL.

23 (G) FOR EACH PROGRAM, PROJECT, OR ACTIVITY UNDER SUBSECTION
24 (F)(1) OF THIS SECTION FOR WHICH FUNDS ARE APPROPRIATED, THE
25 GOVERNOR SHALL:

26 (1) DEVELOP APPROPRIATE STATEMENTS OF VISION, MISSION,
27 KEY GOALS, OBJECTIVES, AND PERFORMANCE INDICATORS AND REPORT THESE
28 STATEMENTS IN A DISCRETE PART OF THE STATE BUDGET SUBMISSION, WHICH
29 SHALL ALSO PROVIDE DATA FOR KEY PERFORMANCE INDICATORS; AND

1 **(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR UNTIL 2016,**
2 **REPORT, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE**
3 **GENERAL ASSEMBLY ON:**

4 **(I) TOTAL FUNDS EXPENDED, BY PROGRAM AND**
5 **SUBDIVISION, IN THE PRIOR FISCAL YEAR FROM THE FUND ESTABLISHED**
6 **UNDER THIS SECTION; AND**

7 **(II) THE SPECIFIC OUTCOMES OR PUBLIC BENEFITS**
8 **RESULTING FROM THAT EXPENDITURE.**

9 **Article – State Government**

10 9–117.

11 (a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a
12 licensed agent shall receive regular commissions of 5.5% of the licensed agent's gross
13 receipts from ticket sales.

14 (ii) For fiscal years 2010 through [2012] **2013** only, a licensed
15 agent shall receive regular commissions of 5.0% of the licensed agent's gross receipts
16 from ticket sales.

17 12–203.

18 **[To] EXCEPT AS PROVIDED IN TITLE 5 OF THE EDUCATION ARTICLE, TO**
19 carry out this subtitle, the Governor shall include in the budget bill money that is
20 adequate to satisfy a final judgment that, after the exhaustion of the rights of appeal,
21 is rendered against the State or any of its officers or units.

22 **Article – State Personnel and Pensions**

23 21–125.

24 (b) (1) On the basis of actuarial assumptions that the Board of Trustees
25 adopts, each year the actuary shall make a valuation of the assets and liabilities of the
26 funds of the several systems.

27 (2) Each year the Board of Trustees shall certify to the Secretary of
28 Budget and Management and to the Governor the rates of employer contributions.

29 (3) For purposes of actuarial valuation, the Board of Trustees may
30 adopt a generally accepted method for determining the value of the assets held by the
31 several systems.

1 (4) For general ledger accounting and financial reporting, the Board of
2 Trustees shall use generally accepted accounting principles.

3 21-304.

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

5 (2) WITH RESPECT TO LOCAL EMPLOYEES, "AGGREGATE ANNUAL
6 EARNABLE COMPENSATION" MEANS THE TOTAL ANNUAL EARNABLE
7 COMPENSATION PAYABLE BY A LOCAL EMPLOYER TO ALL OF ITS LOCAL
8 EMPLOYEES, CALCULATED AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR
9 BEFORE THE FISCAL YEAR FOR WHICH THE CALCULATION IS MADE UNDER THIS
10 SECTION, ADJUSTED BY ANY ACTUARIAL ASSUMED SALARY INCREASES THAT
11 WERE USED IN THE ACTUARIAL VALUATION PREPARED UNDER § 21-125(B) OF
12 THIS TITLE FOR THE IMMEDIATE PRIOR FISCAL YEAR.

13 [(2)] (3) "Preliminary funding rate" means the sum of:

14 (i) the aggregate normal rate that is based on the normal
15 contribution rate calculated under subsection (c) of this section; and

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

19 [(3)] (4) "Funding ratio for the employees' systems" means the
20 actuarial value of assets for the employees' systems divided by the actuarial accrued
21 liability for the employees' systems.

22 [(4)] (5) "Funding ratio for the teachers' systems" means the
23 actuarial value of assets for the teachers' systems divided by the actuarial accrued
24 liability for the teachers' systems.

25 (6) "LOCAL EMPLOYEE" MEANS A MEMBER OF THE TEACHERS'
26 RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO IS AN
27 EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND
28 SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY
29 BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

30 (I) A CLERK;

31 (II) A HELPING TEACHER;

32 (III) A PRINCIPAL;

1 **(IV) A SUPERINTENDENT;**

2 **(V) A SUPERVISOR; OR**

3 **(VI) A TEACHER.**

4 **(7) “LOCAL EMPLOYER” MEANS A COUNTY BOARD OF EDUCATION**
5 **OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.**

6 **[(5)] (8)** “State member” does not include a member on whose behalf
7 a participating governmental unit is required to make an employer contribution under
8 § 21–305 or § 21–306 of this subtitle.

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

13 (b) (1) **[Each] SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS**
14 **SUBSECTION, EACH** fiscal year, on behalf of the State members of each State system,
15 the State shall pay to the appropriate accumulation fund an amount equal to or
16 greater than the sum of the amount, if any, required to be included in the budget bill
17 under § 3–501(c)(2)(ii) of this article and the product of multiplying:

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

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

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

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

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

34 (i) the entry–age actuarial cost method; and

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

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

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

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

9 (4) (I) **SUBJECT TO § 21-309.1 OF THIS SUBTITLE, BEGINNING**
10 **ON JULY 1, 2012 AND EACH FISCAL YEAR THEREAFTER, EACH LOCAL EMPLOYER**
11 **SHALL PAY TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO**
12 **THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL**
13 **EMPLOYEES AS PROVIDED IN THIS PARAGRAPH.**

14 (II) **FOR FISCAL YEARS 2013 THROUGH 2016, EACH LOCAL**
15 **EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE, WHICH**
16 **SHALL BE EQUAL TO THE FOLLOWING AMOUNTS:**

17 LOCAL 18 EMPLOYER	FISCAL YEAR 2013	FISCAL YEAR 2014	FISCAL YEAR 2015	FISCAL YEAR 2016
20 ALLEGANY	1,487,742	1,885,754	2,412,465	2,773,677
21 ANNE ARUNDEL	11,493,684	14,568,567	18,637,716	21,428,297
22 BALTIMORE CITY	12,922,862	16,380,092	20,955,217	24,092,793
23 BALTIMORE	15,755,802	19,970,922	25,549,002	29,374,395
24 CALVERT	2,835,938	3,594,631	4,598,648	5,287,193
25 CAROLINE	793,934	1,006,334	1,287,413	1,480,175
26 CARROLL	4,005,782	5,077,441	6,495,621	7,468,196
27 CECIL	2,459,819	3,117,889	3,988,747	4,585,973
28 CHARLES	3,936,516	4,989,645	6,383,304	7,339,061
29 DORCHESTER	656,543	832,186	1,064,625	1,224,028
30 FREDERICK	5,893,461	7,470,128	9,556,610	10,987,499
31 GARRETT	664,714	842,544	1,077,874	1,239,262
32 HARFORD	5,529,741	7,009,102	8,966,815	10,309,396
33 HOWARD	9,821,066	12,448,477	15,925,463	18,309,945
34 KENT	366,147	464,102	593,730	682,628
35 MONTGOMERY	27,227,553	34,511,689	44,151,153	50,761,802
36 PRINCE GEORGE'S	19,554,579	24,785,979	31,708,954	36,456,662
37 QUEEN ANNE'S	1,105,527	1,401,286	1,792,679	2,061,093

1	ST. MARY'S	2,485,697	3,150,691	4,030,711	4,634,220
2	SOMERSET	480,124	608,570	778,550	895,121
3	TALBOT	628,456	796,586	1,019,080	1,171,665
4	WASHINGTON	3,094,113	3,921,875	5,017,294	5,768,522
5	WICOMICO	2,173,593	2,755,091	3,524,616	4,052,348
6	WORCESTER	1,271,561	1,611,739	2,061,914	2,370,640

7 **(III) BEGINNING IN FISCAL YEAR 2017, EACH LOCAL**
8 **EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE EQUAL**
9 **TO THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT**
10 **SYSTEM AND THE TEACHERS' PENSION SYSTEM MULTIPLIED BY THE**
11 **AGGREGATE ANNUAL EARNABLE COMPENSATION OF THE LOCAL EMPLOYEES OF**
12 **THAT LOCAL EMPLOYER.**

13 **(5) THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER**
14 **CONTRIBUTION FOR LOCAL EMPLOYEES AND THE LOCAL SHARE OF THE TOTAL**
15 **EMPLOYER CONTRIBUTION FOR ALL LOCAL EMPLOYEES SHALL BE THE**
16 **OBLIGATION OF THE STATE.**

17 (c) (1) As part of each actuarial valuation, the actuary shall determine
18 the normal contributions, net of member contributions, on account of the State
19 members of each State system.

20 (2) For each State system, the normal contribution rate equals the
21 fraction that has:

22 (i) as its numerator, the sum of the normal contributions
23 determined under this subsection; and

24 (ii) as its denominator, the aggregate annual earnable
25 compensation of the State members of the State system.

26 21-308.

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

28 (i) certify to the Governor and the Secretary of Budget and
29 Management the rates to be used to determine the amounts to be paid by the State to
30 the accumulation fund of each of the several systems during the next fiscal year,
31 **INCLUDING A SEPARATE CERTIFICATION OF THE NORMAL CONTRIBUTION RATE**
32 **FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION**
33 **SYSTEM;** and

34 (ii) provide to the Secretary of Budget and Management a
35 statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER §**

1 **21-304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers'
2 Pension System expressed as a percentage of the payroll of all members of those State
3 systems.

4 **21-309.1.**

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

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

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

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

15 (C) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 1, AND JUNE 1 OF
16 EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF
17 TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE LOCAL
18 EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (B) OF THIS
19 SECTION.

20 (D) (1) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A
21 GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE
22 AMOUNTS CERTIFIED UNDER THIS SECTION.

23 (2) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS
24 REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, ON
25 NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A
26 DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY:

27 (I) SHALL WITHHOLD THE DELINQUENT AMOUNTS,
28 INCLUDING INTEREST ON THE DELINQUENT AMOUNTS AT A RATE OF 7.75% A
29 YEAR, FROM ANY INSTALLMENT DUE THE LOCAL EMPLOYER FROM THE
30 GENERAL STATE SCHOOL FUND; AND

31 (II) SHALL PAY TO THE BOARD OF TRUSTEES THE
32 DELINQUENT AMOUNTS, INCLUDING INTEREST, WITHHELD UNDER THIS
33 PARAGRAPH.

1 (i) \$5,000,000 for each fiscal year beginning on or before July 1,
2 [2014] **2011**; [and]

3 (II) **\$5,000,000 FOR EACH OF THE FISCAL YEARS**
4 **BEGINNING JULY 1, 2012, JULY 1, 2013, AND JULY 1, 2014; AND**

5 [(ii)] (III) \$4,624,687 for the fiscal year beginning July 1, 2015;
6 [and]

7 (2) **\$8,000,000 TO THE BUDGET RESTORATION FUND FOR THE**
8 **FISCAL YEAR BEGINNING JULY 1, 2012; AND**

9 [(2)] (3) the balance to the Chesapeake Bay 2010 Trust Fund.

10 **Article – Transportation**

11 4–321.

12 (e) The Governor shall transfer to the Authority for the Intercounty
13 Connector:

14 (1) From the Transportation Trust Fund, at least \$30,000,000 each
15 year for fiscal years 2007 through 2010;

16 (2) From the General Fund or general obligation bonds, an aggregate
17 appropriation by fiscal year [2013] **2014** equal to \$264,913,000, as follows:

18 (i) \$53,000,000 for fiscal year 2007;

19 (ii) \$55,000,000 for fiscal year 2010;

20 (iii) At least \$80,000,000 for fiscal year 2011; and

21 (iv) The remaining balance for fiscal year 2012 [or], fiscal year
22 **2013, OR FISCAL YEAR 2014**; and

23 (3) At least \$10,000,000 federal aid from any source in amounts as
24 deemed prudent.

25 **5–415.**

26 (A) **IN THIS SECTION, “FIRE RESCUE SERVICE” MEANS THE MARYLAND**
27 **AVIATION ADMINISTRATION FIRE RESCUE SERVICE.**

28 (B) **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE**
29 **SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE SET IN REGULATIONS**

1 ADOPTED UNDER SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE
2 FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM
3 PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A
4 MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

5 (C) (1) THE FIRE RESCUE SERVICE MAY NOT:

6 (I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE
7 AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE
8 TRANSPORTATION IS REQUESTED OR PROVIDED; OR

9 (II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND
10 EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR
11 PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.

12 (2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A
13 THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT
14 FEE PROGRAM.

15 (D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:

16 (1) SET THE AMBULANCE TRANSPORT FEE; AND

17 (2) ADMINISTER THE COLLECTION OF THE AMBULANCE
18 TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:

19 (I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE
20 EVENT OF FINANCIAL HARDSHIP;

21 (II) THE ACCEPTANCE OF REDUCED PAYMENTS BY
22 COMMERCIAL INSURERS AND OTHER THIRD-PARTY PAYORS, INCLUDING
23 MEDICARE AND MEDICAID; AND

24 (III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING
25 AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING
26 THE INDIVIDUAL'S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS
27 TO THE ADMINISTRATION.

28 (E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED
29 UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.

30 12-118.

1 (e) (2) The balance of the money in the special fund shall be distributed to
2 the [Transportation Trust Fund established under § 3–216 of this article]
3 **DEPARTMENT OF STATE POLICE TO FUND ROADSIDE ENFORCEMENT**
4 **ACTIVITIES.**

5 **Chapter 193 of the Acts of 2005**

6 SECTION 2. AND BE IT FURTHER ENACTED, That:

7 (a) Prior to making any adjustments to capitation payments for a managed
8 care organization, the Secretary of Health and Mental Hygiene, in consultation with
9 the Maryland Insurance Commissioner, shall adopt regulations to implement the
10 provisions of § 15–605(c)(5) of the Insurance Article.

11 (b) The regulations adopted under subsection (a) of this section shall:

12 (1) establish the definition of “loss ratio” for uniform application by all
13 managed care organizations;

14 (2) establish procedures requiring the Secretary of Health and Mental
15 Hygiene to consider the financial performance of a managed care organization in prior
16 periods;

17 (3) establish standard data collection and reporting requirements for
18 all managed care organizations;

19 (4) consistent with the provisions of § 15–605(c)(5) of the Insurance
20 Article, establish a process for allowing a managed care organization to appeal a
21 decision of the Secretary of Health and Mental Hygiene to adjust a managed care
22 organization’s capitation payments; and

23 (5) establish a mechanism for, and conditions under which, an
24 adjustment to the capitation rates of a managed care organization are made.

25 (c) The Secretary of Health and Mental Hygiene shall adopt any additional
26 regulations necessary to carry out the provisions of § 15–605(c)(5) of the Insurance
27 Article and the goals of the Health Choice Program.

28 **(D) ANY REGULATIONS ADOPTED BY THE SECRETARY OF HEALTH AND**
29 **MENTAL HYGIENE THAT ADJUST CAPITATED PAYMENTS TO MANAGED CARE**
30 **ORGANIZATIONS IF THE MEDICAL LOSS RATIO OF A MANAGED CARE**
31 **ORGANIZATION IS LESS THAN 85% MAY NOT APPLY TO A CALENDAR YEAR**
32 **PRECEDING THE CALENDAR YEAR IN WHICH THE REGULATIONS ARE ADOPTED.**

33 SECTION 3. AND BE IT FURTHER ENACTED, That, as part of the ongoing
34 efforts of the Department of Health and Mental Hygiene to ensure that managed care

1 organizations deliver quality health care to their members, the Department may
2 modify, enhance, or replace the Value Based Purchasing Initiative in effect on January
3 1, 2005, provided that:

4 (1) except as provided in [item (4)] **ITEMS (4) AND (5)** of this section,
5 any changes to the core set of performance measures and the methodology for
6 penalties, rewards, disincentives, or incentives shall be adopted by regulation prior to
7 the calendar year for which the managed care organizations will be held accountable
8 for compliance with the performance measures;

9 (2) except as provided in item (4) of this section, the Secretary of
10 Health and Mental Hygiene shall notify managed care organizations of the core set of
11 performance measures and targets at least 3 months prior to the calendar year for
12 which the managed care organizations will be held accountable for compliance with
13 the performance measures;

14 (3) any penalty or capitation adjustment imposed under this section
15 on a managed care organization may not be implemented by means of a capitation
16 payment withhold; [and]

17 (4) with respect to the performance measures for calendar year 2005,
18 the Secretary of Health and Mental Hygiene may modify the ranges or targets of the
19 core set of performance measures without complying with the provisions of items (1)
20 and (2) of this section, provided that the dollar amounts of any financial rewards or
21 disincentives shall be calculated as set forth in the Value Based Purchasing Initiative
22 in effect on January 1, 2005; AND

23 **(5) WITH RESPECT TO CALENDAR YEAR 2012, THE DEPARTMENT**
24 **MAY MAKE CHANGES TO THE METHODOLOGY FOR PENALTIES, REWARDS,**
25 **DISINCENTIVES, OR INCENTIVES BY REGULATIONS ADOPTED DURING THE**
26 **CALENDAR YEAR.**

27 **Chapter 2 of the Acts of the Special Session of 2007**

28 SECTION 13. AND BE IT FURTHER ENACTED, That:

29 (a) The Geographic Cost of Education Index (GCEI) Adjustment established
30 in § 5-202(f) of the Education Article shall be updated [every 3 years beginning] IN
31 September [2009] **2016** using the most current [data available and the same]
32 methodology [set forth in the report entitled “Adjusting for Geographic Differences in
33 the Cost of Education Provision in Maryland (December 31, 2003).”].

34 **Chapter 397 of the Acts of 2011**

35 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any
36 other provision of law, the Governor may transfer from the Senior Prescription Drug

1 Assistance Program account of the Maryland Health Insurance Plan Fund established
2 under § 14–504(e) of the Insurance Article to the Kidney Disease Program established
3 under Title 13, Subtitle 3 of the Health – General Article up to \$3,000,000 in fiscal
4 year 2012, and up to [~~\$3,000,000~~] **\$5,000,000** in fiscal year 2013.

5 SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any
6 other provision of law:

7 (a) Except as otherwise provided in this section, State employees employed
8 by any entity, including the University System of Maryland, Morgan State University,
9 and St. Mary’s College of Maryland, may not receive merit increases prior to April 1,
10 2014.

11 (b) This provision does not affect:

12 (1) salaries for constitutional officers or members of the General
13 Assembly;

14 (2) increases necessary for the retention of faculty in the University
15 System of Maryland, Morgan State University, or St. Mary’s College of Maryland;

16 (3) payments pursuant to a collective bargaining agreement
17 negotiated with an accredited representative in accordance with § 7–601 of the
18 Transportation Article; or

19 (4) for fiscal [year] **YEARS 2012 [only] AND 2013**, operationally
20 critical staff.

21 (c) On or before December 1, 2011, **AND DECEMBER 1, 2012**, in accordance
22 with § 2–1246 of the State Government Article, the University System of Maryland,
23 Morgan State University, and St. Mary’s College of Maryland shall each submit a
24 report to the Senate Budget and Taxation Committee and the House Appropriations
25 Committee that details the policies adopted by the governing boards of those
26 institutions to designate operationally critical staff, all staff identified as critical under
27 subsection (b)(4) of this section, and any merit increases awarded as a consequence of
28 this designation.

29 (d) On or before December 1, 2011, **AND DECEMBER 1, 2012**, in accordance
30 with § 2–1246 of the State Government Article, the Department of Budget and
31 Management shall submit a report to the Senate Budget and Taxation Committee and
32 the House Appropriations Committee that details the policies adopted to designate
33 operationally critical staff, all executive branch staff identified as critical under
34 subsection (b)(4) of this section, and any merit increases awarded as a consequence of
35 this designation.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
37 read as follows:

1 **Article – Education**

2 5–105.

3 (a) All revenues received by a county board shall be spent by the board in
4 accordance with the major categories of its annual budget as provided under § 5–101
5 of this subtitle.

6 (c) [Nonlocal] **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**
7 **SECTION, NONLOCAL** funds received by a county board after the adoption of the
8 annual budget by the county fiscal authority may be spent by the county board if the
9 county fiscal authority is notified and approves of:

10 (1) The source and amount of the funds; and

11 (2) The manner of spending the funds.

12 **(D) (1) FUNDS RECEIVED BY THE COUNTY BOARD UNDER §**
13 **2–608(A)(1) OF THE TAX – GENERAL ARTICLE AFTER THE ADOPTION OF THE**
14 **ANNUAL BUDGET BY THE COUNTY FISCAL AUTHORITY MAY BE SPENT BY THE**
15 **COUNTY BOARD AFTER APPROVAL BY THE COUNTY FISCAL AUTHORITY UNDER**
16 **PARAGRAPH (2) OF THIS SUBSECTION.**

17 **(2) THE COUNTY FISCAL AUTHORITY SHALL APPROVE THE**
18 **AMOUNT OF FUNDS RECEIVED BY THE COUNTY BOARD UNDER § 2–608(A)(1) OF**
19 **THE TAX – GENERAL ARTICLE WITHIN 30 DAYS AFTER THE COMPTROLLER**
20 **MAKES THE DISTRIBUTION TO THE COUNTY BOARD.**

21 **(3) IF THE COUNTY FISCAL AUTHORITY FAILS TO TAKE ACTION**
22 **WITHIN 30 DAYS AFTER THE DISTRIBUTION BY THE COMPTROLLER, THE**
23 **FAILURE TO TAKE ACTION CONSTITUTES APPROVAL.**

24 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 5–203 of
25 Article – Education of the Annotated Code of Maryland be repealed.

26 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any
27 other provision of law, on or before June 30, 2012, the Governor may transfer to the
28 Budget Restoration Fund established under this Act:

29 \$1,000,000 of the funds in the Helicopter Replacement Fund established under §
30 2–801 of the Public Safety Article; and

31 \$1,800,000 of the funds in the accounts of the Baltimore City Community
32 College.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any
2 other provision of law, on or before June 30, 2013, the Governor may transfer to the
3 Budget Restoration Fund established under this Act:

4 \$500,000 of the funds in the Maryland Correctional Enterprises Revolving Fund
5 established under § 3–507 of the Correctional Services Article;

6 \$500,000 of the funds in the Spinal Cord Injury Research Trust Fund
7 established under § 13–1406 of the Health – General Article;

8 \$206,000 of the funds in the State Insurance Trust Fund established under §
9 9–103 of the State Finance and Procurement Article;

10 \$96,350 of the funds in the State Board of Examiners for Audiologists, Hearing
11 Aid Dispensers, and Speech–Language Pathologists established under §
12 2–206 of the Health Occupations Article;

13 \$320,392 of the funds in the State Board of Physicians Fund established under §
14 14–207 of the Health Occupations Article;

15 \$5,000,000 of the funds in the accounts of the University System of Maryland;

16 \$250,000 of the funds in the accounts of Morgan State University;

17 \$351,000 of the funds in the special fund established under § 11–401 of the
18 Business Regulation Article;

19 \$50,000 of the funds in the special fund established under § 7–216.1 of the State
20 Government Article; and

21 \$9,788 of the funds in the State Board of Morticians and Funeral Directors
22 established under § 7–206 of the Health Occupations Article.

23 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any
24 other provision of law, on or before June 30, 2013, the Governor may transfer
25 \$96,870,649 of the funds in the special fund established under § 13–209 of the Tax –
26 Property Article to the Budget Restoration Fund established under this Act. A transfer
27 of funds under this section from the special fund to the Budget Restoration Fund
28 established under this Act may not be taken into account for purposes of determining
29 any allocation or appropriation required under § 13–209(f) or (g) of the Tax – Property
30 Article.

31 SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any
32 other provision of law:

1 (1) On or before June 30, 2013, the Governor may transfer
2 \$50,000,000 of the funds in the Injured Workers' Insurance Fund to the Budget
3 Restoration Fund established under this Act.

4 (2) If legislation is enacted during the 2012 Session of the General
5 Assembly that requires a valuation study of the Injured Workers' Insurance Fund, the
6 Injured Workers' Insurance Fund and its successor shall be jointly liable to pay to the
7 General Fund the additional amount, in excess of \$50,000,000, that the Injured
8 Workers' Insurance Fund has realized from its association with the State, if the
9 Insurance Commissioner determines that the additional amount would not impair the
10 adequacy of the Injured Workers' Insurance Fund's surplus and reserves.

11 (3) The transfer of \$50,000,000 and the additional payment to the
12 State, if any, shall resolve any claim the State has or may have to the property or
13 assets of the Injured Workers Insurance Fund, except as provided under federal tax
14 law for dissolution of state sponsored workers' compensation reinsurance
15 organizations.

16 SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding any
17 other provision of law, on or before June 30, 2012, the Governor may transfer up to
18 \$1,867,000 of the funds in the Small, Minority, and Women-Owned Businesses
19 Account established under § 9-1A-35 of the State Government Article to the
20 Education Trust Fund established under § 9-1A-30 of the State Government Article.

21 SECTION 9. AND BE IT FURTHER ENACTED, That:

22 (1) The Governor shall include in the budget bill for fiscal year 2014
23 the transfer of \$2,000,000 from the Fair Campaign Financing Fund to the Maryland
24 Information Technology Development Project Fund (program F50A01.01) that was
25 authorized by Section 38 of Chapter 487 of the Acts of 2009 for the purpose of funding
26 the purchase of a new Optical Scan Voting System.

27 (2) It is the intent of the General Assembly that, beginning in fiscal
28 year 2015, each county pay its share of one-half of any further cost of acquiring and
29 operating the Optical Scan Voting System as required under Chapter 564 of the Acts
30 of 2001.

31 SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any
32 other provision of law, on or before June 30, 2012, the Governor may transfer up to
33 \$950,000, and on or before June 30, 2013, the Governor may transfer up to \$209,000,
34 of the funds in the Problem Gambling Fund established under § 9-1A-33(b) of the
35 State Government Article to the Education Trust Fund established under § 9-1A-30
36 of the State Government Article.

37 SECTION 11. AND BE IT FURTHER ENACTED, That, for fiscal year 2013,
38 payments to providers of nonpublic placements under § 8-406 of the Education Article
39 may not increase by more than 1% over the rates in effect on January 18, 2012.

1 SECTION 12. AND BE IT FURTHER ENACTED, That, for fiscal year 2013,
2 payments to providers with rates set by the Interagency Rates Committee under §
3 8–417 of the Education Article may not increase by more than 1% over the rates in
4 effect on January 18, 2012.

5 SECTION 13. AND BE IT FURTHER ENACTED, That, in addition to any other
6 revenue generated under § 19–214 of the Health – General Article, as amended by this
7 Act, for fiscal year 2013, the Health Services Cost Review Commission shall approve
8 remittances in the amount of \$9,100,000 to support the general operations of the
9 Medicaid program. The Commission may reduce remittances by the amount of any
10 reduction in State Medicaid expenditures that result from any Commission–approved
11 changes in hospital rates or policies.

12 SECTION 14. AND BE IT FURTHER ENACTED, That the Department of
13 Health and Mental Hygiene may transfer up to \$5,000,000 in general funds in the
14 Developmental Disabilities Administration at the end of fiscal year 2012 into a
15 dedicated account, to be used in fiscal year 2013 for the following expenditures:

16 (1) within the Community Services Program of the Developmental
17 Disabilities Administration:

18 (i) providing community–based services to individuals eligible
19 for services from the Developmental Disabilities Administration, including individuals
20 on the Developmental Disabilities Administration Waiting List;

21 (ii) continuing the implementation of the hold harmless policy
22 related to changes in fiscal year 2012 to reimbursement policies for absence days;

23 (iii) enhancing services and service coordination for individuals
24 receiving services from the Developmental Disabilities Administration; and

25 (iv) providing grants consistent with the purpose of Title 7 of the
26 Health – General Article, to enhance and provide services to individuals eligible for
27 services from the Developmental Disabilities Administration; and

28 (2) within the Office of Health Care Quality, providing funding, up to
29 \$750,000, for activities directly related to providers licensed by the Developmental
30 Disabilities Administration in lieu of increasing licensure fees for developmental
31 disability providers.

32 SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any
33 other provision of law, the Governor may transfer up to \$2,000,000 of the funds in the
34 administrative expense account in the Strategic Energy Investment Fund established
35 under § 9–20B–05 of the State Government Article to the Office of Home Energy
36 Programs in the Department of Human Resources established under § 5–5A–02 of the
37 Human Services Article to provide low–income energy assistance.

1 SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any
 2 other provision of law, the Governor may transfer \$4,500,000 from the Senior
 3 Prescription Drug Assistance Program account of the Maryland Health Insurance
 4 Plan Fund established under § 14–504(e) of the Insurance Article to the Medical
 5 Assistance Program established under Title 15, Subtitle 1 of the Health – General
 6 Article in fiscal year 2013.

7 SECTION 17. AND BE IT FURTHER ENACTED, That:

8 (a) Except as provided in subsection (b) of this section, any money received
 9 by the State as a result of conditions of an approved merger between Exelon
 10 Corporation and Constellation Energy Group shall be expended only as authorized
 11 through an act of the General Assembly or specifically authorized in the State budget
 12 bill as enacted and is not subject to transfer by budget amendment.

13 (b) For fiscal year 2013 only, money received by the State as a result of
 14 conditions of an approved merger between Exelon Corporation and Constellation
 15 Energy Group may be transferred by budget amendment if:

16 (1) the budget amendment is subject to review by the Legislative
 17 Policy Committee, the House Appropriations Committee, and the Senate Budget and
 18 Taxation Committee; and

19 (2) the Legislative Policy Committee, the House Appropriations
 20 Committee, and the Senate Budget and Taxation Committee have 45 days to review
 21 and comment on the proposed budget amendment.

22 SECTION 18. AND BE IT FURTHER ENACTED, That for fiscal years 2013
 23 through 2016, in addition to the required maintenance of effort amount calculated
 24 under § 5–202(d) of the Education Article, each county shall appropriate to the county
 25 board of education the following dollar amounts:

26		Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year
27	County	2013	2014	2015	2016
28	Allegany	1,487,742	1,885,754	1,847,253	2,202,813
29	Anne Arundel	11,493,684	14,568,567	15,930,477	18,693,986
30	Baltimore City	12,922,862	16,380,092	14,824,485	17,900,753
31	Baltimore	15,755,802	19,970,922	21,062,639	24,843,168
32	Calvert	2,835,938	3,594,631	4,071,110	4,754,380
33	Caroline	793,934	1,006,334	991,831	1,181,637
34	Carroll	4,005,782	5,077,441	5,736,837	6,701,824
35	Cecil	2,459,819	3,117,889	3,352,878	3,943,745
36	Charles	3,936,516	4,989,645	5,642,346	6,590,694
37	Dorchester	656,543	832,186	775,810	932,325
38	Frederick	5,893,461	7,470,128	8,438,605	9,858,314

1	Garrett	664,714	842,544	796,082	954,652
2	Harford	5,529,741	7,009,102	7,475,675	8,803,344
3	Howard	9,821,066	12,448,477	14,909,225	17,283,545
4	Kent	366,147	464,102	445,130	532,542
5	Montgomery	27,227,553	34,511,689	37,809,551	44,356,785
6	Prince George's	19,554,579	24,785,979	24,951,664	29,631,799
7	Queen Anne's	1,105,527	1,401,286	1,497,849	1,763,314
8	St. Mary's	2,485,697	3,150,691	3,417,429	4,014,805
9	Somerset	480,124	608,570	495,932	609,676
10	Talbot	628,456	796,586	792,752	943,073
11	Washington	3,094,113	3,921,875	4,099,702	4,841,754
12	Wicomico	2,173,593	2,755,091	2,719,329	3,239,009
13	Worcester	1,271,561	1,611,739	1,647,903	1,952,488

14 SECTION 19. AND BE IT FURTHER ENACTED, That for fiscal year 2017, the
 15 maintenance of effort amount calculated under § 5–202(d) of the Education Article
 16 shall be based on the total per pupil appropriation for fiscal 2016 including the amount
 17 each county was required to appropriate to the county board of education in fiscal year
 18 2016 under Section 18 of this Act.

19 SECTION 20. AND BE IT FURTHER ENACTED, That, notwithstanding §
 20 5–202(d) of the Education Article, for fiscal year 2013 only, the maintenance of effort
 21 calculation for Baltimore City shall exclude:

22 (1) a reduction in the cost of health benefits for retired employees of
 23 the Baltimore City Public School System if a similar reduction is made for all
 24 participants in the health benefits program for retired employees that is administered
 25 by Baltimore City and includes retired employees of both Baltimore City and the
 26 Baltimore City Public School System; and

27 (2) a reduction in the cost of health benefits for retired employees of
 28 the Baltimore City Public School System due to a change in the allocation of the costs
 29 of the health benefits program between retired employees of Baltimore City and the
 30 Baltimore City Public School System from the estimated number of retired employees
 31 for Baltimore City and for the Baltimore City Public School System to an estimate of
 32 the actual medical and prescription drug claims for the retired employees of Baltimore
 33 City and for the retired employees of the Baltimore City Public School System.

34 SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding any
 35 other provision of law to the contrary, § 10–306 of the State Finance and Procurement
 36 Article does not apply to the process for awarding a video lottery operation license
 37 under §§ 9–1A–05(a)(4) and 9–1A–36(h)(1)(iii) of the State Government Article.

38 SECTION 22. AND BE IT FURTHER ENACTED, That, notwithstanding any
 39 other provision of law, on or before June 30, 2013, the Governor may transfer by
 40 budget amendment \$5,000,000 from the Revenue Stabilization Account established
 41 under § 7–311 of the State Finance and Procurement Article to fund teacher

1 retirement supplemental grants under Article 24, § 9–1105 of the Code, as enacted
2 under this Act.

3 SECTION 23. AND BE IT FURTHER ENACTED, That, notwithstanding any
4 other provision of law, for a county that does not meet the maintenance of effort
5 requirement under § 5–202(d) of the Education Article in fiscal year 2012 and did not
6 approve a county income tax rate of 3.2% before July 1, 2011:

7 (1) For fiscal year 2013, if a county approves a county income tax rate
8 of 3.2% and a county property tax rate that is at least the maximum amount allowable
9 under the county's charter before July 1, 2012, the required fiscal year 2013
10 maintenance of effort amount for the county shall be calculated based on the local
11 funds appropriated to the school operating budget for fiscal year 2012.

12 (2) For fiscal year 2014:

13 (i) if a county approves a county income tax rate of 3.2% and a
14 county property tax rate that is at least the maximum amount allowable under the
15 county's charter before July 1, 2013, the required fiscal year 2014 maintenance of
16 effort amount for the county shall be calculated based on the local funds appropriated
17 to the school operating budget for fiscal year 2013; and

18 (ii) if the county does not approve a county income tax rate of
19 3.2% and a county property tax rate that is at least the maximum amount allowable
20 under the county's charter before July 1, 2013, the required fiscal year 2014
21 maintenance of effort amount for the county shall be based on the required
22 maintenance of effort amount for fiscal year 2012.

23 SECTION 24. AND BE IT FURTHER ENACTED, That the unexpended
24 appropriations that were included in the Budget Bill for Fiscal Year 2012 as enacted
25 during the 2011 Session (Chapter 395 of the Acts of 2011) are reduced by the amounts
26 indicated below:

27		General	Federal
28	Appropriation	Fund	Fund
29	Code	Reduction	Reduction
30	M00Q01.03		
31	Department of Health and Mental		
32	Hygiene – Medical Care Programs		
33	Administration – Medical Care Provider		
34	Reimbursements	\$40,000,000	\$40,000,000
35	T00A00.08		
36	Department of Business and Economic		
	Development – Office of Administration		
	and Technology	\$578,000	

37 SECTION 25. AND BE IT FURTHER ENACTED, That:

1	M00Q01.03	Department of Health		
2		and Mental Hygiene –		
3		Medical Care Programs		
4		Administration –		
5		Medical Care Provider		
6		Reimbursements	\$4,500,000	
7	M00Q01.03	Department of Health		
8		and Mental Hygiene –		
9		Medical Care Programs		
10		Administration –		
11		Medical Care Provider		
12		Reimbursements	\$1,250,000	\$1,250,000
13	M00Q01.03	Department of Health		
14		and Mental Hygiene –		
15		Medical Care Programs		
16		Administration –		
17		Medical Care Provider		
18		Reimbursements	\$40,000,000	\$40,000,000
19	M00Q01.03	Department of Health		
20		and Mental Hygiene –		
21		Medical Care Programs		
22		Administration –		
23		Medical Care Provider		
24		Reimbursements	\$10,000,000	
25	M00Q01.06	Department of Health		
26		and Mental Hygiene –		
27		Medical Care Programs		
28		Administration –		
29		Kidney Disease		
30		Treatment Services	\$2,000,000	
31	R00A02.01	State Department of		
32		Education – Aid to		
33		Education – State Share		
34		of Foundation Program	\$1,867,000	
35	R00A02.01	State Department of		
36		Education – Aid to		
37		Education – State Share		
38		of Foundation Program	\$6,100,000	
39	R00A02.03	State Department of		
40		Education – Aid to		
41		Education – Aid for		
42		Local Employee Fringe		
43		Benefits	\$136,644,952	
44	R62I00.03	Maryland Higher		
45		Education Commission		
46		– Joseph A. Sellinger		
47		Formula for Aid to		

1		Non–Public Institutions	
2		of Higher Education	\$1,344,148
3	R75T00.01	Higher Education –	
4		Support for State	
5		Operated Institutions of	
6		Higher Education	\$246,160
7	T00A00.08	Department of Business	
8		and Economic	
9		Development – Office of	
10		Administration and	
11		Technology	\$578,000
12	W00A01.02	Department of State	
13		Police – Maryland State	
14		Police – Field	
15		Operations Bureau	\$4,173,658

16 (d) If this Act satisfies the contingency for a reduction provided in the
 17 Budget Bill for an appropriation, the amount of the reduction specified in subsection
 18 (c) of this section for that appropriation shall be limited to the amount, if any, by
 19 which the reduction specified in subsection (c) of this section exceeds the reduction
 20 specified in the Budget Bill.

21 (e) The statewide elimination of positions provided for in Chapter 148, § 43
 22 of the Acts of 2012, shall instead provide only that on or before June 1, 2012, the
 23 Governor shall allocate a statewide Executive Branch General Fund reduction of
 24 \$30,000,000 for salaries and fringe benefits. The Governor shall abolish an aggregate
 25 of 100 vacant positions as of January 2, 2013, inclusive of 64 vacant positions
 26 abolished under Chapter 148, § 47 of the Acts of 2012.

27 (f) The statewide increase in the employee share of health insurance costs
 28 provided for in Chapter 148, § 43 of the Acts of 2012, shall instead provide only that on
 29 or before June 1, 2012, the Governor shall allocate a statewide Executive Branch
 30 General Fund reduction of \$15,000,000 for health insurance costs.

31 SECTION 26. AND BE IT FURTHER ENACTED, That:

32 (a) In this section, “Budget Restoration Fund” means the special fund
 33 established under this section.

34 (b) (1) The Budget Restoration Fund is established as a special fund for
 35 the purpose of authorizing specified revenue to be used for specified purposes as
 36 provided in this section.

37 (2) The Budget Restoration Fund consists of:

38 (i) Revenues distributed to the Budget Restoration Fund under
 39 this section; and

1 (ii) Other funds transferred to the Budget Restoration Fund as
2 authorized or required under this Act.

3 (3) The Treasurer shall separately hold, and the Comptroller shall
4 account for, the Budget Restoration Fund.

5 (4) (i) The Budget Restoration Fund shall be invested and
6 reinvested in the same manner as other State funds.

7 (ii) Any investment earnings shall be credited to the General
8 Fund of the State.

9 (c) Notwithstanding Title 2, Subtitle 6 of the Tax – General Article or any
10 other provision of law, for fiscal year 2013 only, the Comptroller shall distribute to the
11 Budget Restoration Fund:

12 (1) \$247,300,000 from the State income tax revenue from individuals;

13 (2) \$7,428,400 from the General Fund share of the State income tax
14 revenue from corporations;

15 (3) \$8,800,000 from State lottery revenues; and

16 (4) \$5,000,000 from the tobacco tax revenue.

17 (d) (1) Except as otherwise provided in this Act, moneys in the Budget
18 Restoration Fund shall be retained in the Budget Restoration Fund and may not be
19 spent for any purpose.

20 (2) Except as otherwise provided by law, any unspent balance in the
21 Budget Restoration Fund on June 30, 2013, shall revert to the General Fund.

22 (3) Notwithstanding the requirements of Chapter 148, § 29 of the Acts
23 of 2012 and the budget amendment procedure provided in Title 7, Subtitle 2, of the
24 State Finance and Procurement Article, of the moneys credited to the Budget
25 Restoration Fund up to the following specified amounts may be used for fiscal year
26 2013 for the following purposes in addition to amounts authorized under Chapter 148
27 of the Acts of the General Assembly of 2012:

28	Appropriation Code	Program Title	Amount
29	A15O00.01	Disparity Grants	11,992,672
30	A15O00.01	Disparity Grants	19,583,662
31	D15A05.16	Governor's Office of Crime Control and	

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1		Prevention	20,768,000
2	R00A02.01	State Share of Foundation Program	128,752,660
3	R00A02.55	Teacher Development	5,232,000
4	D40W01.12	Sustainable Communities Tax Credit	7,000,000
5	F10A02.08	Statewide Expenses	33,800,000
6	M00L01.02	Community Services	800,000
7	M00L01.03	Community Services for Medicaid Recipients	2,300,000
8	M00L05.01	Services and Institutional Operations	3,250,000
9	M00L11.01	Services and Institutional Operations	3,250,000
10	M00M01.02	Community Services	8,600,000
11	N00G00.01	Foster Care Maintenance Payments	1,400,000
12	R00A02.07	Students with Disabilities	2,100,000
13	R62I00.03	Joseph A. Sellinger Formula for Aid to	
14		Non–Public Institutions of Higher Education	3,844,596
15	R62I00.05	The Senator John A. Cade Funding Formula	
16		for the Distribution of Funds to Community	
17		Colleges	19,917,611
18	R62I00.12	Senatorial Scholarships	6,486,000
19	R62I00.15	Delegate Scholarships	5,300,486
20	R75T00.01	Support for State Operated Institutions of	
21		Higher Education	38,499,856
22	T00F00.12	Maryland Biotechnology Investment Tax	
23		Credit Reserve Fund	8,000,000
24	T50T01.03	Maryland Stem Cell Research Fund	10,400,000
25	Statewide	Restore cut to employer share of health	
26		insurance costs	15,000,000
27	Statewide	Restore funding for positions	24,000,000

1 Statewide Restore agency operating expenses cut of 8% 50,000,000

2 SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding any
3 other provision of law, the salary of the State Superintendent of Schools shall be the
4 salary set by the State Board of Education on April 24, 2012, pursuant to § 2-302 of
5 the Education Article.

6 SECTION 28. AND BE IT FURTHER ENACTED, That, notwithstanding any
7 other provision of law, on or before June 30, 2013, the Governor may process a Special
8 Fund budget amendment to appropriate \$383,840 from the Higher Education
9 Investment Fund to provide a grant to St. Mary's College of Maryland to offset a 2%
10 increase in the in-State undergraduate tuition rate for fiscal year 2013.

11 SECTION 29. AND BE IT FURTHER ENACTED, That, if any provision of this
12 Act or the application thereof to any person or circumstances is held invalid for any
13 reason in a court of competent jurisdiction, the invalidity does not affect other
14 provisions or any other application of this Act which can be given effect without the
15 invalid provision or application, and for this purpose the provisions of this Act are
16 declared severable.

17 SECTION 30. AND BE IT FURTHER ENACTED, That Section 26 of this Act
18 shall take effect June 1, 2012. It shall remain effective for a period of 1 year and 1
19 month and, at the end of June 30, 2013, with no further action required by the General
20 Assembly, Section 26 of this Act shall be abrogated and of no further force and effect.

21 SECTION 31. AND BE IT FURTHER ENACTED, That § 12-118(e)(2) of the
22 Transportation Article, as enacted by Section 1 of this Act, shall take effect October 1,
23 2012.

24 SECTION 32. AND BE IT FURTHER ENACTED, That Section 3 of this Act
25 shall take effect July 1, 2014.

26 SECTION 33. AND BE IT FURTHER ENACTED, That, except as otherwise
27 provided in this Act, this Act shall take effect June 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.