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§§ 8–120 through 8–122 repealed 426
§ 8–122.1 repealed 426
§§ 8–123 through 8–129 repealed 426
§ 9–101 (a) through (d) and the title "Title 9. Flood Control" repealed 426
§ 9–101 (e) amended and transferred to the Session Laws 426
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§ 1.02 repealed 426
§ 1.03 amended 149
§ 1.03 repealed 426
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§ 1.05 added 149
§ 1.06 added 149
§§ 2.01 through 2.13 and the subtitle "Zoning in Baltimore City"

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§§ 3.01 through 3.10 and the subtitle "Planning Commission Generally" repealed 426
§§ 4.01 through 4.09 and the subtitle "General Development Regulations and Zoning" repealed 426
§§ 5.01 through 5.07 and the subtitle "Subdivision Control" repealed 426
§§ 6.01 through 6.03 and the subtitle "Development in Mapped Streets" repealed 426
§§ 7.01 through 7.05 and the subtitle "Miscellaneous Provisions" repealed 426
§ 8.01 and the subtitle "Historic Area Zoning" repealed 426
§ 8.02 repealed 426
§ 8.03 repealed 426
§ 8.03 (a) amended 138
§§ 8.04 through 8.17 repealed 426
§ 10.01 and the subtitle "Adequate Public Facilities Ordinances" repealed 426
§ 11.01 and the subtitle "Transfer of Development Rights" repealed 426
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§ 13.01 and the subtitle "Development Rights and Responsibilities Agreements" repealed 426
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§ 14.06.1 repealed 426
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§ 2–504.1 (a) without amendments 371
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§ 2–509 amended 180
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§ 3–304 amended 19
§ 6–107.3 added 652
§ 6–222 (b) without amendments 67
§ 8–704 amended 428
§§ 8–7A–101 through 8–7A–105 added to be under the new subtitle "Subtitle 7A. Animal Waste Technology Fund" 429
§ 8–901 amended to be under the amended subtitle "Subtitle 9. Voluntary Agricultural Nutrient and Sediment Credit Certification Program" 25
§ 8–902 amended 25
§ 8–903 without amendments 25
§ 8–904 amended 25
§ 10–601 amended 32
§ 10–602 amended 32
§ 10–603 amended 32
§ 10–607 added 32
§ 10–608 added 32
§ 10–1201 (a) without amendments 297
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§ 10–1201 (b) without amendments 298
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§ 3–309 (c)(4) amended 20
§ 3–309.1 repealed 20
§ 3–309.1 added 20
§ 3–309.2 (c)(2) amended 20
§ 3–310 (a)(4) amended 20
§ 8–602 amended 351
The subtitle designation "Subtitle 5. Miscellaneous Provision" immediately preceding § 9–501 amended 66
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§ 12–101 (a) without amendments 143
§ 12–101 (b) without amendments 272
§ 12–101 (c) without amendments 272
§ 12–101 (h–1) amended 143
§ 12–101 (q) without amendments 143
§ 12–202 (a) amended 122
§ 12–307 (c) without amendments 272
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§ 12–308 (a) amended 272
§ 12–308.1 added 272
§ 12–602 amended 724
§ 12–605.1 amended 143
§ 16–101 (g) amended to be under the amended title "Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors" 366
§ 16–201 amended to be under the amended subtitle "Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors" 366
§ 16–211 amended 66
§ 16–217 (c)(2) amended 366
§ 16–801 amended 366
§ 16–802 amended 366
§ 17–210 amended 184
§ 17–315 amended 34
§ 17–404 (b) amended 184
§ 17–407 (d)(1)(i) amended 184
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§ 2–108 (a)(25) amended 366
§ 2–111 added 33
§ 3–402 amended 48
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§ 5–204.1 added 368
§ 5–305 (b) amended 368
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§ 5–311 (h) amended 368
§ 5–403 (4) amended 66
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§ 16.5–103 added to be under the amended subtitle "Subtitle 1. Definitions; General Provisions" 510
§ 16.5–217 amended 509
§ 16.5–217 amended 510
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§ 17–1012 (c)(1) amended 66
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§§ 1–101 through 1–108 added to be under the new subtitle "Subtitle 1. General Provisions" and the new title "Title 1. General Provisions" 673
§§ 1–201 through 1–206 added to be under the new subtitle "Subtitle 2. General Definitions and Principles of Interpretation" 673
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§ 2A–103 (3) amended 673
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§ 12–1026 (b) amended 528
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§ 11–1002 amended 190
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§ 8–501 amended 121
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§ 9–114 (a) amended 705
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§ 10–311 amended 375
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§ 10–922 added 504
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§ 5–402 (d) amended 384
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§ 3–103 amended 705
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§ 11–701 (l)(3) amended 66
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§ 16–204 amended 504
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§ 4–122 (a) amended 659
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§ 9–234 amended 507
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Article – Land Use

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§§ 1–201 through 1–204 added to be under the new subtitle "Subtitle 2. General Provisions" 426
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§ 1–401 amended 149
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§ 1–401 amended 702
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§§ 3–201 through 3–206 added to be under the new subtitle "Subtitle 2. Development and Adoption" 426
§§ 3–301 through 3–304 added to be under the new subtitle "Subtitle 3. Implementation" 426
§§ 4–101 through 4–104 added to be under the new subtitle "Subtitle 1. Powers" and the new title "Title 4. Zoning" 426
§§ 4–201 through 4–209 added to be under the new subtitle "Subtitle 2. Designation and Adoption" 426
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§ 5–301 added to be under the new subtitle "Subtitle 3. Unapproved Plats and Subdivisions" 426
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§§ 14–201 through 14–203 added to be under the new subtitle "Subtitle 2. General Provisions" 426
§§ 15–101 through 15–120 added to be under the new subtitle "Subtitle 1. Organization and General Authority of Commission" and the new title "Title 15. Commission" 426
§§ 15–201 through 15–204 added to be under the new subtitle "Subtitle 2. Minority Business Enterprise Utilization Program" 426
§§ 15–301 through 15–305 added to be under the new subtitle "Subtitle 3. Intergovernmental Cooperation" 426
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§ 20–101 added to be under the new subtitle "Subtitle 1. General Provisions" and the new title "Title 20. Maryland–Washington Regional District" 426
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§§ 20–301 through 20–305 added to be under the new part "Part I. Mandatory Referral Review" and the new subtitle "Subtitle 3. Review of Public Projects" 426
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§ 20–401 added to be under the new subtitle "Subtitle 4. Road Grades" 426
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§§ 21–101 through 21–107 added to be under the new subtitle "Subtitle 1. In General" and the new title "Title 21. Regional District Plan" 426
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§§ 21–215 through 21–217 added to be under the new part "Part III. Prince George's County" 426
§§ 22–101 through 22–108 added to be under the new part "Part I. District Councils", the new subtitle "Subtitle 1. General Provisions", and the new title "Title 22. Zoning" 426
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§§ 22–213 through 22–216 added to be under the new part "Part III. Miscellaneous Provisions – Prince George's County" 426
§ 22–301 added to be under the new part "Part I. General Provisions" and the new subtitle "Subtitle 3. Board of Appeals" 426
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§§ 22–308 through 22–311 added to be under the new part "Part III. Prince George's County" 426
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§ 23–301 added to be under the new subtitle "Subtitle 3. Unapproved Plats and Subdivisions" 426
§ 23–302 added 426
§ 23–401 added to be under the new subtitle "Subtitle 4. Judicial Review" 426
§ 23–501 added to be under the new part "Part I. General Provisions" and the new subtitle "Subtitle 5. Enforcement" 426
§§ 23–504 through 23–506 added to be under the new part "Part II. Montgomery County" 426
§ 24–101 added to be under the new subtitle "Subtitle 1. General Provisions" and the new title "Title 24. Montgomery County Provisions" 426
§ 24–201 added to be under the new subtitle "Subtitle 2. Municipal Zoning – Specific Municipalities" 426
§ 24–202 added 426
§§ 24–301 through 24–311 added to be under the new subtitle "Subtitle 3. Development Rights and Responsibilities Agreements" 426
§ 25–101 added to be under the new subtitle "Subtitle 1. General Provisions" and the new title "Title 25. Prince George's County Provisions" 426
§§ 25–201 through 25–211 added to be under the new subtitle "Subtitle 2. Land Use Controls – In General" 426
§§ 25–301 through 25–303 added to be under the new subtitle "Subtitle 3. Municipal Delegation" 426
§ 25–401 added to be under the new subtitle "Subtitle 4. Revitalization and Redevelopment" 426
§ 25–402 added 426
§§ 25–501 through 25–512 added to be under the new subtitle "Subtitle 5. Development Rights and Responsibilities Agreements" 426
§§ 25–601 through 25–609 added to be under the new subtitle "Subtitle 6. Agricultural Preservation Easement Program" 426
§§ 25–701 through 25–704 added to be under the new subtitle "Subtitle 7. Anacostia River Flood Control" 426
§§ 25–801 through 25–807 added to be under the new subtitle "Subtitle 8. Prince George's County Recreation Program" 426
§§ 26–101 through 26–107 added to be under the new subtitle "Subtitle 1. Historic Grant Programs" and the new title "Title 26. Miscellaneous Provisions" 426
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§ 4–101 (l) added 435
§ 4–101 (m) renumbered to be § 4-101 (n) 435
§ 4–101 (n) renumbered to be § 4-101 (o) 435
§ 4–101 (o) renumbered to be § 4-101 (p) 435
§ 4–101 (p) renumbered to be § 4-101 (q) 435
§ 4–101 (q) renumbered to be § 4-101 (r) 435
§ 4–101 (r) renumbered to be § 4-101 (s) 435
§ 4–205 (m) added 435
§ 4–214 amended 430
§ 4–604 (c) amended 430
§ 4–701 amended 435
§ 4–701.1 (g)(6)(i) amended 66
§ 4–742 (e) amended 66
§ 4–745 (d)(3) amended 430
§ 4–803 amended 718
§ 4–803 (b) without amendments 67
§ 4–814 amended 435
§ 4–1037 (3) amended 66
§ 4–11A–09 (a) amended 717
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Laws

of the

State of Maryland

At the Extraordinary Session of the General Assembly Begun and Held in the
City of Annapolis on the Fourteenth Day of May 2012
and Ending on the Sixteenth Day of May 2012

First Special Session

Laws of Maryland

MARYLAND, Sct.:

At an Extraordinary Session of the General Assembly of Maryland, begun and held in the City of Annapolis on the Fourteenth Day of May 2012, and ending on the Sixteenth Day of May 2012, Martin O'Malley, being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(Senate Bill 1301)

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

FOR the purpose of altering or repealing certain required appropriations; altering the distribution of certain revenues; altering or repealing certain funding requirements; altering the authorized use of certain funds; authorizing the transfer of certain funds; requiring certain appropriations to certain counties; altering the distribution of certain traffic conviction surcharges; requiring the State Court Administrator to submit a certain annual report on or before a certain date; altering certain categories required to be included in certain annual budgets of county boards of education; prohibiting a county council or board of county commissioners from reducing a certain budget amount for a county board of education; authorizing the State to deduct a certain amount under certain circumstances from certain State funds that would otherwise be paid to certain county boards of education in a certain fiscal year; requiring the State to provide a certain grant to a county board of education in a certain fiscal year if certain funding provided to a county board decreases by a certain amount; adding St. Mary's College of Maryland to the list of public senior higher education institutions eligible for money from the Higher Education Investment Fund; clarifying language relating to the Higher Education Investment Fund; providing a certain exception to a certain requirement that certain money is to be included in the budget bill; altering certain State education funding for certain fiscal years; authorizing the Department of Health and Mental Hygiene

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.
Italics indicate opposite chamber/conference committee amendments.

to impose a certain claims processing charge on certain Medicaid claims; setting a limit on the claims processing charge; requiring the Department of Health and Mental Hygiene to adopt certain regulations; repealing a requirement for a certain payment to certain nursing facilities under certain circumstances; altering a certain authority for the Health Services Cost Review Commission to adopt certain regulations under certain circumstances; requiring a certain nonprofit health service plan to provide a certain subsidy; altering the percentage of the amount that may be assessed in the aggregate on certain nursing facilities; requiring that certain proceeds of a certain account be transferred into the Mental Hygiene Community–Based Services Fund; repealing a certain provision related to the Injured Workers' Insurance Fund; providing that the State has no interest in the assets of the Injured Workers' Insurance Fund and that all revenues, money, and assets of the Fund belong to the Fund and are held in trust for certain persons; prohibiting the State from borrowing, appropriating, or directing payments from the Fund for any purpose; prohibiting the dissolution of the Fund; providing that certain money received by the State or otherwise subject to the direction or control of a State official as a result of a certain settlement, judgment, or consent decree shall be deposited in the State treasury, shall be expended only in a certain manner, and may be transferred by budget amendment; providing for a certain exception; authorizing certain State officials to recommend certain restrictions on the use of certain payments; requiring certain State officials to make certain requests; establishing a Mortgage Loan Servicing Practices Settlement Fund as a continuing, nonlapsing fund; requiring certain funds to be credited to the Mortgage Loan Servicing Practices Settlement Fund; providing for the use of the Mortgage Loan Servicing Practices Settlement Fund; requiring the Governor to take certain actions in connection with each program, project, or activity receiving certain funds; exempting certain interest earnings from a requirement that certain interest accrue to the General Fund; altering certain commissions for certain licensed agents for a certain fiscal year; requiring county boards of education to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to include a separate certification of a certain normal contribution rate in the certification of certain rates; providing for the manner of payment by certain county boards of education for certain employer contributions; requiring certain county boards of education to make certain payments of certain employer contributions in certain fiscal years; requiring the Comptroller to withhold certain delinquent amounts from any money due under certain circumstances; requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee; prohibiting certain regulations adopted by the Secretary of Health and Mental Hygiene from applying to certain prior calendar years; authorizing the Department of Health and Mental Hygiene to make certain changes to a certain methodology in connection with a certain Value Based Purchasing Initiative for a certain calendar year; altering the time period during which a certain education index adjustment is to be updated; altering certain criteria and methodology to be

used in updating a certain education index adjustment; prohibiting the payment of certain merit increases for certain State employees for a certain period; requiring certain reports to be submitted to certain committees of the General Assembly; authorizing a county board of education to spend certain funds after approval by the county fiscal authority; requiring the county fiscal authority to approve the amount of certain funds within a certain period of time; providing that failure to take action constitutes approval by the county fiscal authority under certain circumstances; requiring the Governor to include a certain transfer in the budget bill for a certain fiscal year; declaring the intent of the General Assembly; repealing certain provisions relating to payment of overpayment of retirement contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; setting certain limits on increases in payments to certain providers for a certain fiscal year; requiring the Health Services Cost Review Commission to approve certain remittances to support the general operations of the Medicaid program; authorizing a certain reduction to the remittances; requiring that the Governor transfer a certain amount from the Injured Workers' Insurance Fund to a certain special fund under certain circumstances; providing that the Injured Workers' Insurance Fund and its successor are jointly liable for a certain payment to the State under certain circumstances; providing that a certain transfer resolves certain claims; requiring that certain money received by the State as a result of a certain approved merger between Exelon Corporation and Constellation Energy Group be expended only in a certain manner; providing that certain money received by the State is not subject to transfer by budget amendment, except under certain circumstances; requiring each county to appropriate to the county board of education certain amounts; requiring that for a certain fiscal year a certain maintenance of effort amount be calculated in a certain manner; requiring that for a certain fiscal year the maintenance of effort calculation for Baltimore City exclude certain reductions in the cost of health benefits for retired employees of the Baltimore City Public School System under certain circumstances; providing that a certain provision of law does not apply to a certain process for awarding a video lottery operation license; authorizing certain counties to reduce a certain education funding requirement in a certain fiscal year under certain circumstances; requiring the Governor to reduce certain appropriations by a certain amount and to propose certain additional reductions for a certain fiscal year under certain circumstances; reducing certain appropriations for a certain fiscal year in a certain manner; requiring the implementation of certain reductions in appropriations without the review or approval by the Board of Public Works; altering certain procedural requirements concerning the allocation of certain statewide reductions in appropriations; providing for the distribution of certain revenues for a certain fiscal year to a certain special fund, to be used only for certain purposes; authorizing for a certain fiscal year the use of certain funds for certain purposes subject to a certain budget amendment procedure; requiring a certain reversion of funds to the General Fund; altering the budget amendment process under certain circumstances; defining certain terms; altering certain definitions; providing for the construction of certain provisions of this Act; providing for the

termination of certain provisions of this Act; making the provisions of this Act severable; providing for the effective dates of this Act; and generally relating to the financing of State and local government.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1105
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–101(b)(4), 5–103(c), 5–105(c), 5–202(i), 5–206(f)(2), 15–106.6(a)(3) and (b)(9), 16–305(c)(1)(i), 16–512(a)(1), and 17–104(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Education
Section 5–105(d), 5–202(j), 16–305(c)(1)(iv), 16–512(a)(4), and 17–104(a)(3)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 7–604(b) and (h) and 9–1707(f)(6)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment
Section 9–1707(f)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–117(b) and (c), 19–214(b) and (c), 19–310.1(b)(2), and 24–1105
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 15–102.8
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(d)
Annotated Code of Maryland
(2011 Replacement Volume)
(As enacted by Chapter 66 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106.1 and 14–504(e)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64., 7–310.1, and 7–328
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62. and 63.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–117(a)(1) and 12–203
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–125(b) and 21–304(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304(a) and (b) and 21–308(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–309.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Tax – General
Section 2–608(c), (d), (e), and (f)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104(b)
Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section 5–415
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(e)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 500 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,
Chapter 193 of the Acts of the General Assembly of 2005
Section 2 and 3

BY repealing and reenacting, with amendments,
Chapter 2 of the Acts of the General Assembly of the Special Session of 2007
Section 13(a)

BY repealing and reenacting, with amendments,
Chapter 397 of the Acts of the General Assembly of 2011
Section 11 and 24

BY repealing and reenacting, without amendments,
Article – Education
Section 5–105(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing
Article – Education
Section 5–203
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

[9–1104.

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

9–1105.

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

(1) ALLEGANY COUNTY – $1,632,106;

(2) BALTIMORE CITY – $10,047,596;

(3) BALTIMORE COUNTY – $3,000,000;

(4) CAROLINE COUNTY – $685,108;

(5) DORCHESTER COUNTY – $308,913;

(6) GARRETT COUNTY – $406,400;

(7) PRINCE GEORGE'S COUNTY – $9,628,702;

(8) SOMERSET COUNTY – $381,999; AND

(9) WICOMICO COUNTY – $1,567,837.

Article – Courts and Judicial Proceedings

7–301.

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

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

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

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

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

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

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

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

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

Article – Economic Development

10–523.

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

1. for fiscal year 2011, $2,750,000;

2. for fiscal year 2012, $2,750,000;

3. for fiscal year 2013, **[**$3,000,000**] $2,875,000**; **[**and**]**

4. **FOR FISCAL YEAR 2014, $2,875,000; AND**

5. for each of **THE** fiscal years **[**2014**] 2015** through 2020, $4,000,000.

Article – Education

5–101.

(b) The budget shall be prepared to include the following categories:

(4) School Construction Fund, requested appropriations:

(i) Land for school sites;

(ii) Buildings and the equipment that will be an integral part of a building by project;

(iii) School site improvement by project;

(iv) Remodeling by project;

(v) Additional equipment by project; **[**and**]**

(vi) Debt service**; AND**

(VII) AN AMOUNT THAT IS ADEQUATE TO SATISFY A FINAL COURT JUDGMENT THAT, AFTER EXHAUSTION OF THE RIGHTS OF APPEAL, IS RENDERED AGAINST THE COUNTY BOARD OF EDUCATION OR ANY OF ITS OFFICERS OR EMPLOYEES.

5–103.

(c) If a county council or board of county commissioners does not approve the amount requested in the budget that is more than the amount required by § 5–202(d)(1)(i) of this title:

(1) The county council or board of county commissioners **[**shall**]:**

(I) MAY NOT REDUCE THE AMOUNT REQUESTED IN THE BUDGET THAT IS DEDICATED TO SATISFYING A FINAL COURT JUDGMENT; AND

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

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

5–202.

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

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

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

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

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

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

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

(vii) Funding for grants provided under this subsection.

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

(3) FOR FISCAL YEAR 2013 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 5%, THEN THE STATE SHALL PROVIDE A

GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 5%.

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

5–206.

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

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

[1.**] (I)** Allegany County $97,791;

[2.**] (II)** Anne Arundel County.....$506,038;

[3.**] (III)** Baltimore City $1,387,924;

[4.**] (IV)** Baltimore County $874,227;

[5.**] (V)** Calvert County $38,292;

[6.**] (VI)** Caroline County.....$50,074;

[7.**] (VII)** Carroll County $137,261;

[8.**] (VIII)** Cecil County.....$96,024;

[9.**] (IX)** Charles County $50,074;

[10.**] (X)** Dorchester County.....$38,292;

[11.**] (XI)** Frederick County.....$182,622;

[12.**] (XII)** Garrett County $38,292;

[13.**] (XIII)** Harford County.....$217,379;

[14.**] (XIV)** Howard County.....$87,776;

[15.**] (XV)** Kent County.....$38,292;

[16.**] (XVI)** Montgomery County.....$602,651;

[17.**] (XVII)** Prince George's County.....$1,209,426;

[18.**] (XVIII)** Queen Anne's County.....$50,074;

[19.**] (XIX)** St. Mary's County.....$50,074;

[20.**] (XX)** Somerset County.....$38,292;

[21.**] (XXI)** Talbot County.....$38,292;

[22.**] (XXII)** Washington County.....$134,904;

[23.**] (XXIII)** Wicomico County..... $106,627; and

[24.**] (XXIV)** Worcester County.....$38,292**[**; and

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

15–106.6.

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

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

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

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

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

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

16–305.

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

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

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

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

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

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

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

[7.**] 6.** In fiscal year 2015, **[**not less than an amount equal to 19.5%**] AN AMOUNT THAT IS THE GREATER OF 19.7% OF THE STATE'S GENERAL FUND** appropriation per full–time equivalent student to the 4–year public

institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**;

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

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

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

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

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

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

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

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

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

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

1. ALLEGANY COLLEGE $4,773,622;

2. ANNE ARUNDEL COMMUNITY COLLEGE $27,235,329;

3. COMMUNITY COLLEGE OF BALTIMORE COUNTY $34,398,366;

4. CARROLL COMMUNITY COLLEGE $6,851,515;

5. CECIL COMMUNITY COLLEGE $4,645,751;

6. COLLEGE OF SOUTHERN MARYLAND $10,902,580;

7. CHESAPEAKE COLLEGE $5,675,815;

8. FREDERICK COMMUNITY COLLEGE ... $8,145,648;

9. GARRETT COLLEGE $2,246,709;

10. HAGERSTOWN COMMUNITY COLLEGE $6,965,064;

11. HARFORD COMMUNITY COLLEGE $9,990,806;

12. HOWARD COMMUNITY COLLEGE $12,584,485;

13. MONTGOMERY COLLEGE $35,998,553;

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

15. WOR–WIC COMMUNITY COLLEGE .....$6,748,796.

16–512.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17–104.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article – Environment

7–604.

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

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

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

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

(i) Conducting:

1. Incident response activities;

2. Shelter in place and evacuation planning;

3. Railroad, maritime, and transportation exercises; and

4. Emergency response activities;

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

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

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

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

(4) EMERGENCY RESPONSE ACTIVITIES OF THE DEPARTMENT.

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

9–1707.

(f) (1) There is a State Recycling Trust Fund.

(6) In accordance with the State budget, the Fund shall be used only:

(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;

(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9–1703(c)(1) of this subtitle;

(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; and

(iv) To carry out the purposes of the **[**Office of Recycling under this subtitle and under Title 6, Subtitle 9 of this article**]** **LAND MANAGEMENT ADMINISTRATION**.

Article – Health – General

15–102.8.

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

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

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

15–117.

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

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

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

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

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

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

19–214.

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

(1) Are in the public interest;

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

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

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

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

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

19–310.1.

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

24–1105.

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

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

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

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

Article – Insurance

14–106.

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

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

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

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

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

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

1. operating grants to community health resources;

2. funding for a unified data information system;

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

4. the administrative costs of the Commission**; AND**

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

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

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

1. $3,000,000 for each of fiscal years 2012 and 2013; and

2. $8,000,000 for fiscal year 2014 and each fiscal year thereafter.

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

14–106.1.

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

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

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

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

14–504.

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

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

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

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

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

Article – Labor and Employment

[10–127.

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

(1) as the General Assembly provides; or

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

10–127.

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

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

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

(D) THE FUND MAY NOT BE DISSOLVED.

Article – State Finance and Procurement

6–226.

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

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

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. MORTGAGE LOAN SERVICING PRACTICES SETTLEMENT FUND.

7–310.1.

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

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

(2) EXCEPT FOR FUNDS DESIGNATED AS RESTITUTION:

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

(II) MAY BE TRANSFERRED BY BUDGET AMENDMENT.

(B) IN NEGOTIATING ANY STATE PAYMENT UNDER ANY NATIONAL OR MULTISTATE SETTLEMENT, JUDGMENT, OR CONSENT DECREE, A STATE OFFICIAL MAY RECOMMEND RESTRICTIONS ON THE USE OF THAT STATE PAYMENT BUT SHALL ALSO REQUEST THAT THE SETTLEMENT, JUDGMENT, OR CONSENT DECREE ALSO PROVIDE THAT THE FUNDS MAY BE USED FOR ANY PUBLIC PURPOSE, TO THE EXTENT THAT DOING SO IS NOT INCONSISTENT WITH

THE STATE OR ITS CITIZENS SECURING THE MAXIMUM BENEFIT FROM THE SETTLEMENT, JUDGMENT, OR CONSENT DECREE.

7–328.

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

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

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

(C) THE TREASURER SHALL:

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

(2) CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

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

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

(I) EXPRESSLY PROVIDED BY STATUTE; OR

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

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT DISBURSEMENTS FROM THE FUND TO PROGRAMS FUNDED BY THE STATE OR

WITH FEDERAL FUNDS ADMINISTERED BY THE STATE SHALL BE USED AS PROVIDED IN THIS SECTION SOLELY TO SUPPLEMENT, AND NOT TO SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE PROGRAMS UNDER FEDERAL OR STATE LAW.

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

(I) THE PROVISION OF HOUSING COUNSELING;

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

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

(IV) RELEVANT ENFORCEMENT ACTIVITIES;

(V) FORECLOSURE PREVENTION, REMEDIATION, AND RESTITUTION;

(VI) PROGRAMS TO ADDRESS COMMUNITY BLIGHT;

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

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

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

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

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

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

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

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

Article – State Government

9–117.

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

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

12–203.

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

Article – State Personnel and Pensions

21–125.

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

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

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

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

21–304.

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

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

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

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

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

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

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

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

(I) A CLERK;

(II) A HELPING TEACHER;

(III) A PRINCIPAL;

(IV) A SUPERINTENDENT;

(V) A SUPERVISOR; OR

(VI) A TEACHER.

(7) "LOCAL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

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

(9) "TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO ALL LOCAL EMPLOYEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

QUEEN ANNE'S	**1,105,527**	**1,401,286**	**1,792,679**	**2,061,093**
ST. MARY'S	**2,485,697**	**3,150,691**	**4,030,711**	**4,634,220**
SOMERSET	**480,124**	**608,570**	**778,550**	**895,121**
TALBOT	**628,456**	**796,586**	**1,019,080**	**1,171,665**
WASHINGTON	**3,094,113**	**3,921,875**	**5,017,294**	**5,768,522**
WICOMICO	**2,173,593**	**2,755,091**	**3,524,616**	**4,052,348**
WORCESTER	**1,271,561**	**1,611,739**	**2,061,914**	**2,370,640**

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

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

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

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

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

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

21–308.

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

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

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER § 21–304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

21–309.1.

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

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

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

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

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

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

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

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

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

(E) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER OR THE STATE COMPTROLLER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.

Article – Tax – General

2–608.

[(c) For each of fiscal years 2013 through 2022, inclusive:

(1) the Comptroller shall distribute $36,677,863 of the remaining income tax revenue from individuals to the local reserve account established to comply with § 2–606 of this subtitle; and

(2) the total amount distributed to the counties for each fiscal year under subsection (a) of this section shall be reduced by $36,677,863.

(d) The Comptroller shall adjust the amount distributed under subsection (a) of this section to a county to allow for a proportionate part of the reduction made under subsection (c) of this section.

(e) To determine the pro rata share for a county under subsection (d) of this section, the Comptroller shall compute the amount equal to the product of multiplying $36,677,863 by a fraction:

(1) the numerator of which is the amount of county income tax from individuals collected and attributable to residents of the county, calculated using tax returns filed with the Comptroller for the most recent preceding tax year; and

(2) the denominator of which is the total amount of county income taxes collected from individuals, calculated using tax returns filed with the Comptroller for the most recent preceding tax year.

(f) The pro rata share calculated under subsection (e) of this section shall be used for the quarterly distributions of local income tax revenue beginning in November and ending in August.**]**

2–1104.

(b) For each fiscal year beginning on or before July 1, 2015, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) to the General Fund of the State:

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

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

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

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

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

Article – Transportation

4–321.

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

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

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

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

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

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

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

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

5–415.

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE SET IN REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

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

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

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

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

(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:

(1) SET THE AMBULANCE TRANSPORT FEE; AND

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

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

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

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

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

12–118.

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

Chapter 193 of the Acts of 2005

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

(1) establish the definition of "loss ratio" for uniform application by all managed care organizations;

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

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That, as part of the ongoing efforts of the Department of Health and Mental Hygiene to ensure that managed care organizations deliver quality health care to their members, the Department may modify, enhance, or replace the Value Based Purchasing Initiative in effect on January 1, 2005, provided that:

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

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

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

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

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

Chapter 2 of the Acts of the Special Session of 2007

SECTION 13. AND BE IT FURTHER ENACTED, That:

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

Chapter 397 of the Acts of 2011

SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Kidney Disease Program established under Title 13, Subtitle 3 of the Health – General Article up to $3,000,000 in fiscal year 2012, and up to **[**$3,000,000**] $5,000,000** in fiscal year 2013.

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

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

(b) This provision does not affect:

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

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

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

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

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

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

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

Article – Education

5–105.

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

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

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

(2) The manner of spending the funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer up to $2,000,000 of the funds in the administrative expense account in the Strategic Energy Investment Fund established

under § 9–20B–05 of the State Government Article to the Office of Home Energy Programs in the Department of Human Resources established under § 5–5A–02 of the Human Services Article to provide low–income energy assistance.

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

SECTION 17. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Allegany	1,487,742	1,885,754	1,847,253	2,202,813
Anne Arundel	11,493,684	14,568,567	15,930,477	18,693,986
Baltimore City	12,922,862	16,380,092	14,824,485	17,900,753
Baltimore	15,755,802	19,970,922	21,062,639	24,843,168
Calvert	2,835,938	3,594,631	4,071,110	4,754,380
Caroline	793,934	1,006,334	991,831	1,181,637
Carroll	4,005,782	5,077,441	5,736,837	6,701,824
Cecil	2,459,819	3,117,889	3,352,878	3,943,745

Charles	3,936,516	4,989,645	5,642,346	6,590,694
Dorchester	656,543	832,186	775,810	932,325
Frederick	5,893,461	7,470,128	8,438,605	9,858,314
Garrett	664,714	842,544	796,082	954,652
Harford	5,529,741	7,009,102	7,475,675	8,803,344
Howard	9,821,066	12,448,477	14,909,225	17,283,545
Kent	366,147	464,102	445,130	532,542
Montgomery	27,227,553	34,511,689	37,809,551	44,356,785
Prince George's	19,554,579	24,785,979	24,951,664	29,631,799
Queen Anne's	1,105,527	1,401,286	1,497,849	1,763,314
St. Mary's	2,485,697	3,150,691	3,417,429	4,014,805
Somerset	480,124	608,570	495,932	609,676
Talbot	628,456	796,586	792,752	943,073
Washington	3,094,113	3,921,875	4,099,702	4,841,754
Wicomico	2,173,593	2,755,091	2,719,329	3,239,009
Worcester	1,271,561	1,611,739	1,647,903	1,952,488

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

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

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

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

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

SECTION 22. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer by budget amendment $5,000,000 from the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article to fund teacher retirement supplemental grants under Article 24, § 9–1105 of the Code, as enacted under this Act.

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

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

(2) For fiscal year 2014:

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

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

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

Appropriation Code	Program Title	General Fund Reduction	Federal Fund Reduction
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$40,000,000	$40,000,000
T00A00.08	Department of Business and Economic Development – Office of Administration and Technology	$578,000	

SECTION 25. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Budget Bill" means the Budget Bill for Fiscal Year 2013 as enacted during the 2012 Regular Session (Chapter 148 of the Acts of 2012).

(b) Notwithstanding § 7–213 of the State Finance and Procurement Article or any other provision of law, the statewide General Fund reductions of Chapter 148, § 43 of the Acts of 2012 shall be implemented by the Governor without review or approval by the Board of Public Works.

(c) Subject to subsection (d) of this section, the appropriations for fiscal year 2013 for the following purposes that were included in the Budget Bill are reduced by the amounts indicated below:

Appropriation Code	Program Title	General Fund Reduction	Special Fund Reduction	Federal Fund Reduction
F50A01.01	Department of Information Technology – Major Information Technology Development Project Fund	$5,000,000		
K00A05.10	Department of Natural Resources – Outdoor Recreation Land Loan		$49,249,882	
K00A14.02	Department of Natural Resources – Watershed Services		$8,000,000	
L00A11.11	Department of Agriculture – Capital Appropriation		$16,253,258	
M00L01.02	Department of Health and Mental Hygiene – Mental Hygiene Administration – Community Services	$6,247,276		
M00L01.03	Department of Health and Mental Hygiene – Mental Hygiene Administration – Community Services for Medicaid Recipients	$750,000		$750,000
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs			

	Administration – Medical Care Provider Reimbursements	$6,909,654	
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$4,500,000	
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$1,250,000	$1,250,000
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$40,000,000	$40,000,000
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$10,000,000	
M00Q01.06	Department of Health and Mental Hygiene – Medical Care Programs Administration – Kidney Disease Treatment Services	$2,000,000	
R00A02.01	State Department of Education – Aid to Education – State Share of Foundation Program	$1,867,000	
R00A02.01	State Department of Education – Aid to Education – State Share of Foundation Program	$6,100,000	
R00A02.03	State Department of Education – Aid to Education – Aid for Local Employee Fringe Benefits	$136,644,952	
R62I00.03	Maryland Higher		

	Education Commission – Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education	$1,344,148
R75T00.01	Higher Education – Support for State Operated Institutions of Higher Education	$246,160
T00A00.08	Department of Business and Economic Development – Office of Administration and Technology	$578,000
W00A01.02	Department of State Police – Maryland State Police – Field Operations Bureau	$4,173,658

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

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

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

SECTION 26. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Budget Restoration Fund" means the special fund established under this section.

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

(2) The Budget Restoration Fund consists of:

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriation Code	Program Title	Amount
A15O00.01	Disparity Grants	11,992,672

A15O00.01	Disparity Grants	19,583,662
D15A05.16	Governor's Office of Crime Control and Prevention	20,768,000
R00A02.01	State Share of Foundation Program	128,752,660
R00A02.55	Teacher Development	5,232,000
D40W01.12	Sustainable Communities Tax Credit	7,000,000
F10A02.08	Statewide Expenses	33,800,000
M00L01.02	Community Services	800,000
M00L01.03	Community Services for Medicaid Recipients	2,300,000
M00L05.01	Services and Institutional Operations	3,250,000
M00L11.01	Services and Institutional Operations	3,250,000
M00M01.02	Community Services	8,600,000
N00G00.01	Foster Care Maintenance Payments	1,400,000
R00A02.07	Students with Disabilities	2,100,000
R62I00.03	Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education	3,844,596
R62I00.05	The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges	19,917,611
R62I00.12	Senatorial Scholarships	6,486,000
R62I00.15	Delegate Scholarships	5,300,486
R75T00.01	Support for State Operated Institutions of Higher Education	38,499,856
T00F00.12	Maryland Biotechnology Investment Tax Credit Reserve Fund	8,000,000
T50T01.03	Maryland Stem Cell Research Fund	10,400,000
Statewide	Restore cut to employer share of health	

	insurance costs	15,000,000
Statewide	Restore funding for positions	24,000,000
Statewide	Restore agency operating expenses cut of 8%	50,000,000

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

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

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

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

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

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

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

Approved by the Governor, May 22, 2012.

Chapter 2

(Senate Bill 1302)

AN ACT concerning

State and Local Revenue and Financing Act of 2012

FOR the purpose of altering the State income tax rate on certain income of individuals; altering the amount allowed as a deduction for certain exemptions under the Maryland income tax under certain circumstances; modifying a fiduciary's adjusted gross income to add back that portion of an electing small business trust consisting of stock of one or more S corporations that is subject to special taxing rules under certain provisions of the Internal Revenue Code; altering certain tax rates for certain cigars and certain tobacco products; providing that, for purposes of the recordation tax, secured debt with respect to certain mortgages, deeds of trust, and other security interests in real property securing a guarantee of repayment of a loan for a certain amount is deemed to be incurred as debt is incurred on the guaranteed loan and, with respect to those mortgages, deeds of trust, and other security interests, the recordation tax applies in a certain manner; altering the amount of certain fees; repealing a certain exemption to the sales and use tax for certain sales in the form of a demurrage charge; repealing a certain modification for purposes of determining Maryland taxable income for certain public utilities; repealing a certain credit against the State income tax for certain public utilities; requiring the Comptroller to waive certain interest and penalties for a certain calendar year to a certain extent; authorizing the Comptroller to provide an alternative method of assessing and collecting a certain additional tax; requiring certain revenue to be remitted to the Comptroller by a certain date; repealing an obsolete provision; requiring the State Department of Assessments and Taxation to establish a certain workgroup; providing for the duties, composition, and chair of the workgroup; requiring the workgroup to submit a certain report to the Governor and the General Assembly by a certain date; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to State and local revenues and finances.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–105(a), 10–211(b), and 12–105(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–204(a) and 10–211(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 10–204(k)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – Property
Section 12–105(f)(7)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–217(c)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1604(b)(1)(vi)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Tax – General
Section 10–306(c), 10–708, and 11–202
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Tax – General

10–105.

(a) (1) **[**Except as provided in paragraph (3) of this subsection, for**]** **FOR** an individual other than an individual described in paragraph (2) of this subsection, the State income tax rate is:

(i) 2% of Maryland taxable income of $1 through $1,000;

(ii) 3% of Maryland taxable income of $1,001 through $2,000;

(iii) 4% of Maryland taxable income of $2,001 through $3,000;

(iv) 4.75% of Maryland taxable income of $3,001 through **[**$150,000**]** **$100,000**;

(v) 5% of Maryland taxable income of **[**$150,001**] $100,001** through **[**$300,000**] $125,000**;

(vi) 5.25% of Maryland taxable income of **[**$300,001**] $125,001** through **[**$500,000**] $150,000**; **[**and**]**

(vii) 5.5% of Maryland taxable income **[**in excess of $500,000**] OF $150,001 THROUGH $250,000; AND**

(VIII) 5.75% OF MARYLAND TAXABLE INCOME IN EXCESS OF $250,000.

(2) **[**Except as provided in paragraph (3) of this subsection, for**] FOR** spouses filing a joint return or for a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, the State income tax rate is:

(i) 2% of Maryland taxable income of $1 through $1,000;

(ii) 3% of Maryland taxable income of $1,001 through $2,000;

(iii) 4% of Maryland taxable income of $2,001 through $3,000;

(iv) 4.75% of Maryland taxable income of $3,001 through **[**$200,000**] $150,000**;

(v) 5% of Maryland taxable income of **[**$200,001**] $150,001** through **[**$350,000**] $175,000**;

(vi) 5.25% of Maryland taxable income of **[**$350,001**] $175,001** through **[**$500,000**] $225,000**; **[**and**]**

(vii) 5.5% of Maryland taxable income **[**in excess of $500,000**] OF $225,001 THROUGH $300,000; AND**

(VIII) 5.75% OF MARYLAND TAXABLE INCOME IN EXCESS OF $300,000.

[(3) For a taxable year beginning after December 31, 2007, but before January 1, 2011, the State income tax for an individual, including spouses filing a joint return or a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, is:

(i) for Maryland taxable income up to $500,000, the rate specified in paragraph (1)(i) through (vi) or (2)(i) through (vi) of this subsection; and

(ii) for Maryland taxable income in excess of $500,000:

1. 5.5% of Maryland taxable income of $500,001 through $1,000,000; and

2. 6.25% of Maryland taxable income in excess of $1,000,000.**]**

10–204.

(a) To the extent excluded from federal adjusted gross income, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(K) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2012, THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF INCOME OF AN ELECTING SMALL BUSINESS TRUST, AS DEFINED UNDER § 1361(E)(1) OF THE INTERNAL REVENUE CODE, THAT IS SUBJECT TO THE SPECIAL TAXING RULES UNDER § 641(C) OF THE INTERNAL REVENUE CODE.

10–211.

(a) Except as provided in subsection (b) of this section, whether or not a federal return is filed, to determine Maryland taxable income, an individual other than a fiduciary may deduct as an exemption:

(1) $3,200 for each exemption that the individual may deduct in the taxable year to determine federal taxable income under § 151 of the Internal Revenue Code;

(2) an additional $3,200 for each dependent, as defined in § 152 of the Internal Revenue Code, who is at least 65 years old on the last day of the taxable year;

(3) an additional $1,000 if the individual, on the last day of the taxable year, is at least 65 years old; and

(4) an additional $1,000 if the individual, on the last day of the taxable year, is a blind individual, as described in § 10–208(c) of this subtitle.

(b) (1) If an individual other than one described in paragraph (2) of this subsection has federal adjusted gross income for the taxable year greater than $100,000, the amount allowed for each exemption under subsection (a)(1) or (2) of this section is limited to:

(i) **[**$2,400**] $1,600** if federal adjusted gross income for the taxable year does not exceed $125,000;

(ii) **[**$1,800**] $800** if federal adjusted gross income for the taxable year is greater than $125,000 but not greater than $150,000; **AND**

(iii) **[**$1,200**] $0** if federal adjusted gross income for the taxable year is greater than $150,000 **[**but not greater than $200,000; and

(iv) $600 if federal adjusted gross income for the taxable year is greater than $200,000**]**.

(2) If a married couple filing a joint return or an individual described in § 2 of the Internal Revenue Code as a head of household or as a surviving spouse has federal adjusted gross income for the taxable year greater than $150,000, the amount allowed for each exemption under subsection (a)(1) or (2) of this section is limited to:

(i) **[**$2,400**] $1,600** if federal adjusted gross income for the taxable year does not exceed $175,000;

(ii) **[**$1,800**] $800** if federal adjusted gross income for the taxable year is greater than $175,000 but not greater than $200,000; **AND**

(iii) **[**$1,200**] $0** if federal adjusted gross income for the taxable year is greater than $200,000 **[**but not greater than $250,000; and

(iv) $600 if federal adjusted gross income for the taxable year is greater than $250,000**]**.

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

Article – Tax – General

12–105.

(b) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** tobacco tax rate for other tobacco products is **[**15%**] 30%** of the wholesale price of the tobacco products.

(2) (I) IN THIS PARAGRAPH, "PREMIUM CIGARS" HAS THE MEANING STATED IN § 16.5–101 OF THE BUSINESS REGULATION ARTICLE.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE TOBACCO TAX RATE FOR CIGARS IS 70% OF THE WHOLESALE PRICE OF THE CIGARS.

(III) THE TOBACCO TAX RATE FOR PREMIUM CIGARS IS 15% OF THE WHOLESALE PRICE OF THE PREMIUM CIGARS.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – Property

12–105.

(f) **(7) (I) IN THIS PARAGRAPH, "INDEMNITY MORTGAGE" INCLUDES ANY MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST IN REAL PROPERTY THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR WHICH THE GUARANTOR IS NOT PRIMARILY LIABLE.**

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH:

1. SECURED DEBT WITH RESPECT TO AN INDEMNITY MORTGAGE IS DEEMED TO BE INCURRED FOR PURPOSES OF THIS SUBSECTION WHEN AND TO THE SAME EXTENT AS DEBT IS INCURRED ON THE GUARANTEED LOAN; AND

2. THE RECORDATION TAX APPLIES UNDER THIS SUBSECTION IN THE SAME MANNER AS IF THE GUARANTOR WERE PRIMARILY LIABLE FOR THE GUARANTEED LOAN.

(III) THIS PARAGRAPH DOES NOT APPLY:

1. TO THE EXTENT THAT RECORDATION TAX IS PAID ON ANOTHER INSTRUMENT OF WRITING THAT SECURES PAYMENT OF THE GUARANTEED LOAN; OR

2. TO AN INDEMNITY MORTGAGE THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR LESS THAN $1,000,000.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

4–217.

(c) (1) Except as otherwise provided by law:

(i) The Department shall collect a $12 fee:

1. For each certified or abridged copy of a **[**death,**]** fetal death, marriage, or divorce verification certificate;

2. For a report that a search of the **[**death,**]** fetal death, marriage, or divorce verification certificate files was made and the requested record is not on file;

3. For each change to a **[**death,**]** fetal death, marriage, or divorce verification certificate made later than one year after the certificate has been registered with the Department; or

4. To process an adoption, foreign adoption, or legitimation; **[**and**]**

(ii) The Department shall collect a $24 fee:

1. For each certified or abridged copy of a birth certificate;

2. **FOR THE FIRST COPY OF A CERTIFIED OR ABRIDGED DEATH CERTIFICATE ISSUED IN A SINGLE TRANSACTION;**

3. For a report that a search of the birth **OR DEATH** certificate files was made and the requested record is not on file; or

[3.**] 4.** For each change to a birth **OR DEATH** certificate made later than 1 year after the certificate has been registered with the Department**; AND**

(III) THE DEPARTMENT SHALL COLLECT A $12 FEE FOR EACH ADDITIONAL CERTIFIED OR ABRIDGED COPY OF A DEATH CERTIFICATE PROVIDED CONCURRENTLY WITH AN INITIAL REQUESTED DEATH CERTIFICATE.

Article – State Government

9–1604.

(b) (1) The Chief Administrative Law Judge may:

(vi) assess fees to cover administrative expenses as follows:

1. to file an appeal, a fee not exceeding:

A. **[**$125**] $150** for an appeal of a driver's license suspension or revocation related to a violation of the Maryland Vehicle Law; and

B. $50 for all other types of appeals; and

2. to process a subpoena, a fee not exceeding $5.

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 10–306(c) and 10–708 of Article – Tax – General of the Annotated Code of Maryland be repealed.

SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 11–202 of Article – Tax – General of the Annotated Code of Maryland be repealed.

SECTION 7. AND BE IT FURTHER ENACTED, That the Comptroller shall waive any interest or penalty imposed on an individual relating to payment of estimated income tax for calendar year 2012 to the extent that the Comptroller determines that the interest or penalty would not have been incurred but for an increase in the income tax rates or reduction in the amount that may be deducted as an exemption for calendar year 2012 under Section 1 of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That, as provided in § 12–105 of the Tax – General Article, all other tobacco products used, possessed, or held in the State on or after July 1, 2012, by any person for sale or use in the State, shall be subject to the full tax on other tobacco products, as enacted under this Act. The Comptroller may provide an alternative method of assessing and collecting the additional tax. The revenue attributable to this requirement shall be remitted to the Comptroller by October 15, 2012.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Assessments and Taxation shall establish a workgroup to study the impacts of imposing the recordation tax on indemnity mortgages and deeds of trust as provided under this Act, including:

(1) The expected tax revenues to be collected for local governments;

(2) The impacts of the tax, if any, on the forms, volume, and value of commercial real estate transactions in urban, suburban, and rural areas of the State and on the overall commercial real estate market in the State; and

(3) The impacts of the tax, if any, on residential real estate transactions.

(b) The workgroup shall include representatives from various stakeholder groups, including, but not limited to, representatives of State agencies, local governments, commercial real estate organizations, business organizations, and the Maryland Bankers Association.

(c) The Director of Assessments and Taxation, or the Director's designee, shall chair the workgroup and facilitate the activities of the workgroup.

(d) The workgroup shall submit a report of its findings and recommendations under this section, including a detailed description of the process used and the data relied on by the workgroup, to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on or before December 31, 2012.

SECTION 10. AND BE IT FURTHER ENACTED, That Section 5 of this Act and §§ 10–105(a) and 10–211(b) of Article – Tax – General of the Annotated Code of Maryland as enacted by Section 1 of this Act shall be applicable to all taxable years beginning after December 31, 2011.

SECTION 11. AND BE IT FURTHER ENACTED, That Sections 2 and 6 of this Act shall take effect July 1, 2012.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2012, and shall be applicable to all instruments of writing recorded on or after July 1, 2012.

SECTION 13. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, this Act shall take effect June 1, 2012.

Approved by the Governor, May 22, 2012.

Chapter 3

(Senate Bill 1303)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bonds

FOR the purpose of authorizing the creation of a State Debt in the amount of $15,324,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees document the provision of a required matching fund; providing that, after a certain date, any bonds authorized under this Act shall be canceled and be of no further effect; providing that the proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at

certain sales in proportion to the documented matching fund; providing generally for the issuance and sale of bonds evidencing the loan; stating that the General Assembly finds valid and ratifies certain prior authorizations of State debt; and generally relating to Qualified Zone Academy Bonds.

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Qualified Zone Academy Bonds Loan of 2012 in a total principal amount of $15,324,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 54E of the Internal Revenue Code of the United States, as amended, authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Annotated Code of Maryland, and §§ 54A and 54E of the Internal Revenue Code, as amended.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article. Notwithstanding §§ 8–123 and 8–124 of the State Finance and Procurement Article, the Board of Public Works may sell the bonds authorized herein at one or more private sales that best meet the terms and conditions of sale set by the Board. The bonds authorized under this Act shall be issued and sold no later than December 31, 2012.

(3) The cash proceeds from the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller, and held separately in a qualified zone academy bond account. The remaining proceeds from the sale of the bonds, including any interest earned from the investment of such proceeds, shall be expended, as determined and approved by the Board of Public Works, for the following public purposes: as grants to the Interagency Committee on School Construction and the Maryland State Department of Education (referred to hereafter in this Act as the "grantees") for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 54E(d)(1) of the Internal Revenue Code, as amended, in accordance with the criteria established under the Aging Schools Program as follows:

(a) for competitively awarded grants by the Interagency Committee on School Construction to eligible school systems for qualified academies, including public charter schools; and

(b) for targeted grants awarded by the Maryland State Department of Education to eligible school systems for qualified academies, including public charter schools, under the Breakthrough Center Program.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest, if any, on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) (a) The grantees shall document the provision of a matching fund as provided in this paragraph.

(b) No part of the matching fund may be provided, either directly or indirectly, from funds of the State or any other governmental body, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund shall consist of private business contributions as required under § 54E(b) of the Internal Revenue Code, as amended, and may consist of funds or in kind contributions or funds other than funds of the State or any other governmental body. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final.

(c) The grantees shall present evidence to the satisfaction of the Board of Public Works of the provision and documentation of the matching fund, and the Board of Public Works shall authorize the sale of the bonds in proportion to the documented matching fund and shall authorize the disbursement of the proceeds for the purposes set forth in Section 1(3) above.

(6) After December 31, 2012, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be canceled and be of no further effect.

(7) The proceeds of the loan, including any interest earned on the investment of the proceeds, shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That under the State's obligations and authorizations pursuant to Article III, § 34 of the Maryland Constitution, the General Assembly:

(1) finds Chapter 523, Acts of 2010 and Chapter 96, Acts of 2011 to be valid authorizations of State debt, notwithstanding enactment prior to the Budget Bill in each respective year; and

(2) hereby ratifies, confirms, and approves as valid Chapter 523, Acts of 2010 and Chapter 96, Acts of 2011 and the debt issued pursuant thereto.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

Approved by the Governor, May 22, 2012.

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Laws

of the

State of Maryland

At the Extraordinary Session of the General Assembly Begun and Held in the
City of Annapolis on the Ninth Day of August 2012 and
Ending on the Fifteenth Day of August 2012

Second Special Session

Laws of Maryland

MARYLAND, Sct.:

At an Extraordinary Session of the General Assembly of Maryland, begun and held in the City of Annapolis on the Ninth Day of August 2012, and ending on the Fifteenth Day of August 2012, Martin O'Malley, being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(Senate Bill 1)

AN ACT concerning

Gaming Expansion – Video Lottery Terminals and Table Games *– Lottery Machines – Veterans' Organizations*

FOR the purpose of establishing the State Lottery and Gaming Control Commission and the State Lottery and Gaming Control Agency with certain powers and duties; transferring the responsibilities of the State Lottery Commission and the State Lottery Agency to the State Lottery and Gaming Control Commission and the State Lottery and Gaming Control Agency, respectively; providing for the membership of the State Lottery and Gaming Control Commission; *authorizing the Presiding Officers of the General Assembly to recommend individuals to the Governor for appointment to the State Lottery and Gaming Control Commission; requiring the Commission to refer a certain matter regarding the legal operation of amusement games in Baltimore City or Baltimore County to the State's Attorney under certain circumstances;* providing for certain qualifications, terms of office, salaries, and reimbursements of expenses for members of the State Lottery and Gaming Control Commission; altering the number of members who must concur before the State Lottery and Gaming Control Commission may act; providing for certain staffing and consultants for the State Lottery and Gaming Control Commission; *increasing the percentage of a State lottery sales agent's gross receipts from ticket sales that an agent receives as a commission under certain circumstances; establishing the Joint Committee on Gaming Oversight; providing for the membership, duties,*

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.
Italics indicate opposite chamber/conference committee amendments.

and staffing of the Committee and the appointment of cochairs; establishing that a member of the Committee may not receive compensation but may receive a certain reimbursement; requiring the Committee to submit a certain annual report; *authorizing the Director of the State Lottery and Gaming Control Agency to issue to certain veterans' organizations a license for not more than a certain number of instant ticket lottery machines for the sale of certain lottery machine tickets under certain circumstances; exempting certain counties from certain provisions; requiring a veterans' organization to locate and operate certain instant ticket lottery machines in certain places; authorizing the Director to adopt certain regulations; providing that revenues from certain lottery machine ticket sales by a veterans' organization are to be credited to the State Lottery Fund after certain deductions are made; requiring the Comptroller to distribute a certain percentage of proceeds deposited in the State Lottery Fund from certain lottery machine ticket sales by veterans' organizations to the Maryland Veterans Trust Fund; requiring a veterans' organization issued a license under this Act to purchase or lease instant ticket lottery machines; prohibiting a veterans' organization from using certain lottery receipts to pay certain costs for instant ticket lottery machines; defining a certain term; directing the State Lottery and Gaming Control Agency to ensure that implementation of the provisions of this Act with respect to the conduct of gaming and the operation of the instant ticket lottery machines is consistent with a certain court decision;* requiring certain video lottery facilities to own or lease certain video lottery terminals and associated equipment and software, subject to a certain exception; requiring that certain savings related to the ownership or leasing of video lottery terminals and associated equipment and software be appropriated to the Education Trust Fund; authorizing certain counties to impose certain requirements under certain circumstances; altering the distribution of certain proceeds of video lottery terminals; *requiring that regulations adopted by the State Lottery and Gaming Control Commission include provisions that prohibit automated teller machines located in video lottery facilities from accepting certain electronic benefit cards, debit cards, or similar negotiable instruments issued by the Department of Human Resources for certain purposes;* *authorizing video lottery operation licensees to retain certain funds;* altering the timing for certain transfers of funds; altering the authorized uses of a certain fund; altering the period of time and authorized use for certain local impact grants; extending certain reporting requirements; *authorizing the State Racing Commission to use certain accounting services for a certain purpose; requiring certain holders of a license to hold a race meeting to reimburse the State Racing Commission for certain expenditures; altering the authorized use of certain revenues in Prince George's County to require that the revenues be used for public safety projects instead of capital projects;* *altering the distance from Rosecroft Raceway for purposes of determining the communities within which certain revenues may be used for certain projects;* altering the staffing for the Video Lottery Facility Location Commission; repealing certain limitations on a certain video lottery facility; requiring certain applicants for a video lottery operation license to take certain steps before being awarded a license; requiring the Governor's Office of Minority Affairs, in consultation with the Office of the

Attorney General, to provide certain assistance; requiring certain proceedings before the Board of Contract Appeals to proceed in a certain manner; authorizing certain petitions for judicial review to be heard in certain circuit courts; requiring that certain proceedings related to certain petitions for judicial review proceed in a certain manner under certain circumstances; *exempting certain video lottery terminals, associated equipment and software, and table games from property tax;* authorizing certain parties to certain proceedings related to certain petitions for judicial review to appeal the decision of the circuit court in a certain manner; prohibiting certain persons from making certain contributions under certain circumstances; *altering a certain provision relating to certain temporary facilities; prohibiting a certain video lottery facility from beginning certain operations in a temporary facility; prohibiting a certain licensee from beginning table game operations until a certain condition is met;* authorizing, subject to a certain contingency, the use and regulation of table games in the State; authorizing, subject to a certain contingency, an additional license to operate a video lottery facility in the State and additional video lottery terminal devices; *authorizing, subject to a certain contingency, a holder of a video lottery facility license to apply for an additional license under certain circumstances and notwithstanding a certain prohibition against an individual or business entity owning an interest in more than one video lottery facility; authorizing, subject to a certain contingency, the State Lottery and Gaming Control Commission to allow an awardee of a video lottery operation license in Prince George's County to commence operations in a permanent facility after a certain date;* prohibiting a certain fee under certain circumstances; prohibiting the operation of certain video lottery terminals in a certain location before a certain date; repealing, subject to a certain contingency, a limitation on the hours of operation of a video lottery facility; providing, subject to a certain contingency, for the distribution of proceeds from table games and video lottery terminals; authorizing the State Lottery and Gaming Control Commission to establish a certain annual fee; authorizing the State Lottery and Gaming Control Commission to adjust the distribution of proceeds from video lottery terminals after a certain license is awarded under certain circumstances and subject to a certain reporting requirement; altering, subject to a certain contingency, the distribution of proceeds from video lottery terminals, including certain impact grants; altering, subject to a certain contingency, the distribution of certain local impact grants; *requiring a certain percentage of local impact grants to Prince George's County to be used for a certain purpose subject to a certain limitation; authorizing the State to reimburse Prince George's County under certain circumstances;* requiring, subject to a certain contingency, the State Lottery and Gaming Control Commission to take certain actions; declaring the intent of the General Assembly; requiring that certain persons submit certain campaign finance statements in a certain manner; requiring the State Board of Elections to take certain actions; *authorizing the State Prosecutor to assess a certain penalty against a person who fails to submit a certain campaign finance statement or campaign finance report in a timely manner; requiring a regulated lobbyist that sought to influence executive or legislative action related to gaming issues in a certain special session of the General*

Assembly to submit a report including certain information to the State Ethics Commission on or before a certain date; providing for the expiration of the terms of the members of the State Lottery Commission and for the staggering of the terms of the initial members of the State Lottery and Gaming Control Commission; ~~authorizing the applicant for a video lottery operation license in Prince George's County to request that the Video Lottery Facility Location Commission authorize a temporary table games facility upon the award of a video lottery operation license;~~ *stating the intent of the General Assembly that video lottery operation licensees partner with certain institutions of higher education to offer job training programs in the gaming and hospitality industries;* requiring the State Lottery and Gaming Control Commission to make certain recommendations and prepare certain reports; *requiring certain holders of a license to hold a race meeting in the State to submit capital improvement plans to the State Racing Commission that contain certain information on or before a certain date and to submit a certain formal funding request; providing for forfeiture of certain funds under certain circumstances;* providing for the transfer of certain functions, powers, duties, equipment, assets, liabilities, employees, and appropriations under certain circumstances; providing for certain employee rights if transferred; providing for the continuity of certain transactions, rights, duties, and interests; providing for the continuity of certain laws, rules and regulations, standards and guidelines, policies, orders and other directives, forms, plans, contracts, property, investigations, administrative and judicial responsibilities, rights, duties, and responsibilities; specifying that the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, shall correct certain cross–references and terminology; defining certain terms; altering certain definitions; submitting certain provisions of this Act to a referendum of the qualified voters of the State; providing for the effective dates of this Act; making certain provisions of this Act subject to certain contingencies; and generally relating to authorizing and regulating gaming in the State *and certain lottery machine ticket sales by veterans' organizations*.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–301.1(a) and (b)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)
(As enacted by Chapter 603 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–101(a)*, 9–120(a)* ~~and 9–1A–01(a)~~*, 9–1A–01(a), and 9–1A–29(a)*
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government

Section 9–101(b) and (c), 9–103, 9–104, 9–105, 9–108, 9–109, *9–112, 9–120(b), 9–913,* 9–1A–01(k), (r), and (u)(2), 9–1A–02(c)(1) and (d), 9–1A–04(d), 9–1A–05(a), (c), and ~~(d)(4)~~ *(d)*, 9–1A–06(a), 9–1A–10, ~~9–1A–11(c)(1)~~ *9–1A–11(b), (c)(1),* and (d)(2)(i), 9–1A–15(a) and (d), 9–1A–18(a), 9–1A–21(a), 9–1A–23(a), 9–1A–24(c) *and (f)*, 9–1A–26, 9–1A–27, ~~9–1A–29(k)~~ *9–1A–29(b) and (k)*, 9–1A–30(c), 9–1A–31(a) and (b), 9–1A–33(a), and 9–1A–36(e), (f), (h)(1) and (3), (i)(1) and (3), and (l) through (s)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–117(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 1 of the Acts of the General Assembly of the 2012 First Special Session)

BY adding to
Article – State Government
Section 9–1A–01(w–1) and (w–2), 9–1A–02(b)(3), *9–1A–11(c)(3),* 9–1A–36(l), ~~and~~ 9–1A–37*, and 9–1A–38*
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 12–309
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Election Law
Section 13–237
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–244
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government

Section 9–1A–01(u), 9–1A–04, *9–1A–11(c)(1) and (d), 9–1A–26,* 9–1A–27, 9–1A–31(a) and (b), and 9–1A–36(r)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–244
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)
(As enacted by Section 1 of this Act)

~~BY repealing and reenacting, with amendments,~~
~~Article – Election Law~~
~~Section 13–237(a)(2), (6), and (7)~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~
~~(As enacted by Section 1 of this Act)~~

~~BY adding to~~
~~Article – Election Law~~
~~Section 13–237(a)(6)~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~
~~(As enacted by Section 1 of this Act)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–27
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Section 2 of this Act)

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

Article – Criminal Law

12–301.1.

(a) In this subtitle, "Commission" means the State Lottery ***AND GAMING CONTROL*** *Commission.*

(b) (1) ***[****Subject to paragraph (2)****]*** ***EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3)*** *of this subsection and consistent with the provisions of this title and Title 13 of this article, the Commission shall certify and regulate the*

operation, ownership, and manufacture of an electronic gaming device authorized under this title.

(2) This section does not apply to:

(i) the ownership or operation of slot machines that are subject to regulation by the Comptroller under § 12–304 of this title; and

(ii) paper tip jar gaming where authorized.

(3) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY AND BALTIMORE COUNTY.

(II) IF A LOCAL LAW ENFORCEMENT AGENCY REFUSES TO ENFORCE A PROVISION REGARDING THE LEGAL OPERATION OF AMUSEMENT GAMES, THE COMMISSION SHALL REFER THE MATTER TO THE APPROPRIATE OFFICE OF THE STATE'S ATTORNEY.

Article – State Government

9–101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Agency" means the State Lottery **AND GAMING CONTROL** Agency.

(c) "Commission" means the State Lottery **AND GAMING CONTROL** Commission.

9–103.

There is a State Lottery **AND GAMING CONTROL** Agency.

9–104.

There is a State Lottery **AND GAMING CONTROL** Commission in the Agency.

9–105.

(a) ***(1)*** The Commission consists of **[**nine**]** **SEVEN** members appointed by the Governor with the advice and consent of the Senate.

(2) THE PRESIDING OFFICER OF EITHER HOUSE OF THE GENERAL ASSEMBLY MAY RECOMMEND TO THE GOVERNOR A LIST OF INDIVIDUALS FOR APPOINTMENT TO THE COMMISSION.

(b) (1) At the time of appointment, each member of the Commission shall be:

(i) at least 25 years old;

(ii) a resident of the State who has resided in the State for at least 5 years;

(iii) a qualified voter of the State; **[**and**]**

(iv) an individual who has not been convicted of or granted probation before judgment for a serious crime or a crime that involves moral turpitude or gambling**; AND**

(V) KNOWLEDGEABLE AND EXPERIENCED IN FISCAL MATTERS AND SHALL HAVE SUBSTANTIAL EXPERIENCE:

1. AS AN EXECUTIVE WITH FIDUCIARY RESPONSIBILITIES IN CHARGE OF A LARGE ORGANIZATION OR FOUNDATION;

2. IN AN ACADEMIC FIELD RELATING TO FINANCE OR ECONOMICS; OR

3. AS AN ACCOUNTANT, ECONOMIST, OR FINANCIAL ANALYST, OR AS A PROFESSIONAL IN A SIMILAR PROFESSION RELATING TO FISCAL MATTERS OR ECONOMICS.

(2) A member of the Commission may not:

(i) have a direct or indirect financial interest**, OWNERSHIP, OR MANAGEMENT, INCLUDING HOLDING ANY STOCKS, BONDS, OR OTHER SIMILAR FINANCIAL INTERESTS IN ANY GAMING ACTIVITIES, INCLUDING [**in**] HORSE RACING,** video lottery terminals**, TABLE GAMES, OR LOTTERY**;

(ii) have an official relationship to a person who holds a license under Subtitle 1A of this title;

[(iii) hold any stocks, bonds, or other financial interest in a person holding a license under Subtitle 1A of this title; or**]**

[(iv)**] (III)** be an elected official of State or local government**;**

(IV) RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE RECEIPTS OR PROCEEDS OF ANY GAMING ACTIVITIES, INCLUDING HORSE RACING, VIDEO LOTTERY TERMINALS, TABLE GAMES, OR LOTTERY; OR

(V) HAVE A BENEFICIAL INTEREST IN ANY CONTRACT FOR THE MANUFACTURE OR SALE OF GAMING DEVICES, THE CONDUCT OF ANY GAMING ACTIVITY, OR THE PROVISION OF ANY INDEPENDENT CONSULTING SERVICES IN CONNECTION WITH ANY GAMING ESTABLISHMENT OR GAMING ACTIVITY.

(3) No more than **[**six**]** **FIVE** members may be of the same political party.

(4) The members of the Commission shall reflect the geographic, racial, and gender makeup of the State.

(5) A MEMBER OF THE COMMISSION SHALL FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION IN ACCORDANCE WITH TITLE 15, SUBTITLE 6 OF THIS ARTICLE.

[(c) The Commission shall include:

(1) one member with experience in law enforcement;

(2) one member with experience in a field relating to finance or investments;

(3) one member who is a certified public accountant; and

(4) one member with experience in a field of information technology.**]**

[(d)**] (C)** (1) The term of a member is **[**4**] 5** years.

(2) The terms of members are staggered **AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2012**.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A MEMBER MAY NOT SERVE FOR MORE THAN TWO FULL TERMS.

[(e)**] (D)** (1) Subject to the hearing requirements of this subsection, the Governor may remove a member for cause.

(2) Before the Governor removes a member, the Governor shall give the member notice and an opportunity for a public hearing.

[(f)**] (E)** The Governor shall appoint one member of the Commission to serve as a liaison to the State Racing Commission established under Title 11 of the Business Regulation Article.

(F) THE COMMISSION SHALL INCLUDE AT LEAST ONE MEMBER WHO RESIDES IN A LOCAL JURISDICTION IN WHICH A VIDEO LOTTERY FACILITY IS LOCATED.

9–108.

(a) (1) A majority of the full authorized membership of the Commission is a quorum.

(2) The Commission may not act unless at least ~~3~~ **4** members concur.

(b) The Commission shall determine the times and places of its meetings.

(c) (1) The secretary of the Commission promptly shall send the Governor a certified copy of the minutes of each meeting of the Commission.

(2) The minutes shall include a copy of each regulation of the Agency that is adopted.

(d) **[**As provided in the State budget, a member of the Commission:

(1) may receive compensation; and

(2) is entitled to reimbursement for reasonable expenses incurred in the performance of the duties as a member.**]**

(1) EACH MEMBER OF THE COMMISSION IS ENTITLED TO:

(I) THE SALARY PROVIDED IN THE BUDGET OF THE COMMISSION; AND

(II) REIMBURSEMENT FOR REASONABLE EXPENSES:

1. INCURRED IN THE PERFORMANCE OF THE COMMISSION MEMBER'S DUTIES; AND

2. AS PROVIDED IN THE BUDGET OF THE COMMISSION.

(2) EACH MEMBER OF THE COMMISSION SHALL BE PAID BIWEEKLY.

(3) EACH MEMBER IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE BUDGET OF THE COMMISSION.

(e) (1) With the advice of the Commission, the Director may employ deputy directors and other staff in accordance with the State budget.

(2) Except as provided in paragraph (3) of this subsection or otherwise by law, the staff of the Commission is in the State Personnel Management System.

(3) A deputy director is in the executive service of the State Personnel Management System. However, a deputy director may be removed only for cause after being given notice and an opportunity for a hearing.

(4) (I) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET SUFFICIENT MONEY FOR THE COMMISSION TO HIRE, DEVELOP, AND ORGANIZE A STAFF TO PERFORM THE FUNCTIONS OF THE COMMISSION.

(II) AS DEEMED NECESSARY BY THE COMMISSION, THE COMMISSION SHALL HIRE EXPERTS INCLUDING ECONOMISTS, GAMING SPECIALISTS, AND LAWYERS.

(III) 1. THE COMMISSION SHALL CONTRACT WITH AN OUTSIDE CONSULTANT TO PROVIDE CONTINUAL ANALYSIS OF THE GAMING INDUSTRY BOTH WITHIN AND OUTSIDE THE STATE AND SUPPORT THE LICENSING ACTIVITIES OF THE COMMISSION AND THE VIDEO LOTTERY FACILITY LOCATION COMMISSION.

2. THE COST OF THE CONSULTANT REQUIRED UNDER THIS SUBPARAGRAPH MAY BE DIVIDED PROPORTIONALLY AMONG THE VIDEO LOTTERY OPERATION LICENSEES AS DETERMINED BY THE COMMISSION.

9–109.

(a) In addition to the specific powers granted and duties imposed by this subtitle, the Commission has the powers and duties set forth in this section.

(b) (1) The Commission **[**may**]** **SHALL** conduct studies of the State lottery **AND GAMING PROGRAM** to:

(i) identify any defect in this subtitle**, SUBTITLE 1A OF THIS TITLE,** or the regulations of the Agency that may allow abuses in the operation and administration of the State lottery **OR GAMING PROGRAM** or any evasion of this subtitle**, SUBTITLE 1A OF THIS TITLE,** or the regulations;

(ii) guard against the use of this subtitle**, SUBTITLE 1A OF THIS TITLE,** and the regulations of the Agency as a means of conducting organized crime; **[**and**]**

(iii) ensure that the regulations of the Agency are proper and that this subtitle**, SUBTITLE 1A OF THIS TITLE,** and the regulations are administered to serve the purpose of this subtitle**; AND**

(IV) ANALYZE THE GAMING INDUSTRY WITHIN AND OUTSIDE THE STATE TO DETERMINE WHETHER MARYLAND'S GAMING PROGRAM IS COMPETITIVE AND MAXIMIZING REVENUES FOR THE STATE.

(2) The Commission **[**may**] SHALL** conduct studies of:

(i) the operation and administration of similar laws in other states or countries;

(ii) federal laws that may affect the operation of the State lottery **OR GAMING ACTIVITIES**;

(iii) literature on lotteries **AND GAMING ACTIVITIES, INCLUDING PROBLEM GAMBLING PROGRAMS**; and

(iv) the reaction of citizens of the State to existing and potential features of the State lottery **AND GAMING PROGRAM**.

(c) (1) The Commission shall submit to the Governor and, subject to § 2–1246 of this article, to the General Assembly the reports required under this subsection.

(2) The Commission shall submit monthly a report that states the total State lottery **AND GAMING** revenues and the total prize disbursements and other expenses for the preceding month.

(3) The Commission shall submit annually a report that states the total State lottery **AND GAMING** revenues and the total prize disbursements and other expenses for the preceding year.

(4) The Commission shall submit a report whenever a matter requires an immediate change in a State law to:

(i) prevent an abuse or evasion of this subtitle**, SUBTITLE 1A OF THIS TITLE,** or a regulation of the Agency; or

(ii) rectify an undesirable condition in the operation or administration of the State lottery **OR GAMING PROGRAM**.

9–112.

(a) ***IN THIS SECTION, "VETERANS' ORGANIZATION" MEANS AN ORGANIZATION THAT IS TAX EXEMPT AND ORGANIZED AS A VETERANS' ORGANIZATION UNDER § 501(C)(19) OR § 501(C)(4) OF THE INTERNAL REVENUE CODE.***

(B) ***[****In****] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IN*** *accordance with the regulations of the Agency and this subtitle, the Director shall issue licenses to the persons and governmental units that will best serve the public convenience and promote the sale of State lottery tickets or shares.*

[*(b)****] (C)*** *Before issuing a license to an applicant, the Director shall consider such factors as:*

(1) the financial responsibility and security of the applicant and the business or activity of the applicant;

(2) the accessibility of the place of business or activity to the public;

(3) the sufficiency of existing licenses to serve the public convenience; and

(4) the volume of expected sales.

(D) (1) THIS SUBSECTION DOES NOT APPLY IN:

(I) CAROLINE COUNTY;

(II) CECIL COUNTY;

(III) DORCHESTER COUNTY;

(IV) KENT COUNTY;

(V) MONTGOMERY COUNTY;

(VI) QUEEN ANNE'S COUNTY;

(VII) SOMERSET COUNTY;

(VIII) TALBOT COUNTY;

(IX) WICOMICO COUNTY; AND

(X) WORCESTER COUNTY.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DIRECTOR MAY ISSUE A LICENSE UNDER THIS SUBTITLE FOR NOT MORE THAN FIVE INSTANT TICKET LOTTERY MACHINES TO AN APPLICANT THAT IS A VETERANS' ORGANIZATION.

(II) A VETERANS' ORGANIZATION THAT IS ISSUED A LICENSE UNDER THIS SUBSECTION SHALL LOCATE AND OPERATE ITS INSTANT TICKET LOTTERY MACHINES AT ITS PRINCIPAL MEETING HALL IN THE COUNTY IN WHICH THE VETERANS' ORGANIZATION IS LOCATED.

(3) AFTER DEDUCTION OF ANY COMMISSION AND VALIDATION PRIZE PAYOUT AS PROVIDED UNDER § 9–117 OF THIS SUBTITLE, A VETERANS' ORGANIZATION ISSUED A LICENSE UNDER THIS SUBSECTION SHALL CREDIT THE REMAINING RECEIPTS FROM THE SALE OF TICKETS FROM INSTANT TICKET LOTTERY MACHINES TO THE STATE LOTTERY FUND ESTABLISHED UNDER § 9–118 OF THIS SUBTITLE.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A VETERANS' ORGANIZATION ISSUED A LICENSE UNDER THIS SUBSECTION SHALL PURCHASE OR LEASE FROM THE AGENCY THE INSTANT TICKET LOTTERY MACHINES TO BE USED BY THE VETERANS' ORGANIZATION.

(II) AN ORGANIZATION MAY NOT USE RECEIPTS FROM THE SALE OF TICKETS FROM INSTANT TICKET LOTTERY MACHINES THAT WOULD OTHERWISE BE CREDITED TO THE STATE LOTTERY FUND FOR THE COSTS OF PURCHASING OR LEASING INSTANT TICKET LOTTERY MACHINES.

(5) THE DIRECTOR MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION THAT INCLUDED RESTRICTING THE LOCATION OF INSTANT TICKET LOTTERY MACHINES IN AREAS OF A VETERANS' ORGANIZATION'S PUBLIC MEETING HALL THAT IS ACCESSIBLE TO THE PUBLIC.

(6) THE STATE LOTTERY AND GAMING CONTROL AGENCY SHALL ENSURE THAT THE CONDUCT OF THE GAMING AND THE OPERATION OF THE INSTANT TICKET LOTTERY MACHINES AS ESTABLISHED UNDER THIS SUBSECTION ARE CONSISTENT WITH THE HOLDING IN THE CASE OF CHESAPEAKE AMUSEMENTS INC. V. RIDDLE, 363 MD. 16 (2001).

[*(c)****] (E)*** *The Director may not issue a license to:*

(1) a person or governmental unit to engage in business primarily as a licensed agent; or

(2) an individual who is under the age of 21 years.

[*(d)****] (F)*** *The Commission may hear and decide an appeal of a denial of a license.*

9–117.

(a) (1) (i) Except as provided in ***[****subparagraph (ii)****] SUBPARAGRAPHS (II) AND (III)*** *of this paragraph, a licensed agent shall receive regular commissions of 5.5% of the licensed agent's gross receipts from ticket sales.*

(ii) For fiscal ***[****years 2010****] YEAR 2012*** *through* ***[****2013****] DECEMBER 31, 2012,*** *only, a licensed agent shall receive regular commissions of 5.0% of the licensed agent's gross receipts from ticket sales.*

(III) IF A VIDEO LOTTERY OPERATION LICENSE FOR A VIDEO LOTTERY FACILITY IN BALTIMORE CITY IS ISSUED, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 6% OF THE LICENSED AGENT'S GROSS RECEIPTS FROM TICKET SALES.

9–120.

(a) The Comptroller shall distribute the State Lottery Fund to pay:

(1) on a pro rata basis for the daily and nondaily State lottery games, the expenses of administering and operating the State lottery, as authorized under this subtitle and the State budget; and

(2) then, except as provided in § 10–113.1 of the Family Law Article and § 11–618 of the Criminal Procedure Article, the holder of each winning ticket or share.

(b) (1) Promptly after the 1st day of each month, the Comptroller shall pay:

(i) into the Maryland Stadium Facilities Fund the money that remains in the State Lottery Fund from the proceeds of the lotteries conducted for the benefit of the Maryland Stadium Authority, after the distribution under subsection (a) of this section; ***[****and****]***

(II) AFTER JUNE 30, 2014, INTO THE MARYLAND VETERANS TRUST FUND 10% OF THE MONEY THAT REMAINS IN THE STATE LOTTERY FUND FROM THE PROCEEDS OF SALES OF TICKETS FROM INSTANT TICKET LOTTERY MACHINES BY VETERANS' ORGANIZATIONS UNDER § 9–112(D) OF THIS SUBTITLE, AFTER THE DISTRIBUTION UNDER SUBSECTION (A) OF THIS SECTION; AND

[*(ii)****] (III)*** *into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all other lotteries after the distribution under subsection (a) of this section.*

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.

9–913.

(a) In this section, "Fund" means the Maryland Veterans Trust Fund.

(b) There is a Maryland Veterans Trust Fund in the Department.

(c) (1) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(d) (1) The Secretary shall administer the Fund.

(2) The Maryland Veterans Commission, the Maryland Veterans' Home Commission, and program directors shall advise the Secretary on the administration of the Fund.

*(e) The Fund consists of****:***

(1) *gifts and grants that the Department receives under § 9–912(b) of this subtitle****; AND***

(2) CONTRIBUTIONS TO THE FUND FROM THE SALE OF TICKETS FROM INSTANT TICKET LOTTERY MACHINES UNDER § 9–112(D) OF THIS TITLE.

(f) Money in the Fund may only be used to:

(1) make grants and loans under § 9–912(b)(2)(i) of this subtitle;

(2) be invested under § 9–912(b)(2)(ii) of this subtitle; and

(3) pay the costs of administering the Fund through distribution to an administrative cost account in the Department.

(g) (1) The State Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the Fund.

(h) Money expended from the Fund is supplemental to and is not intended to take the place of funding that would otherwise be appropriated to the Department.

(i) (1) On or before August 31 of each year, the Secretary shall submit a report to the General Assembly, in accordance with § 2–1246 of this article, on the status of the Fund.

(2) The report shall include:

(i) the gross amount of gifts and grants credited to the Fund;

(ii) the costs of administration of the Fund; and

(iii) a detailed accounting of the use of the Fund.

9–1A–01.

(a) In this subtitle the following words have the meanings indicated.

(k) "Commission" means the State Lottery **AND GAMING CONTROL** Commission.

(u) (2) (i) Subject to subparagraph (ii) of this paragraph, "proceeds" does not include money given away by a video lottery operation licensee as free promotional play and used by players to bet in a video lottery terminal.

(ii) After the first fiscal year of operations, the exclusion specified in subparagraph (i) of this paragraph may not exceed a percentage established by the Commission by regulation of the proceeds received **FROM VIDEO LOTTERY TERMINALS** in the prior fiscal year by the video lottery operation licensee under § 9–1A–27(a)(2) and **[**(b)(1)(ii)**] (C)(1)(II)** of this subtitle.

9–1A–02.

(c) (1) This subtitle authorizes the operation of video lottery terminals **[**owned or leased by the State**]** that are connected to a central monitor and control system owned or leased by the State that allows the Commission to monitor a video lottery terminal.

9–1A–04.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(1) establishing the methods and forms of application that an applicant for any license required under this subtitle shall follow and complete before consideration of the application by the Commission;

(2) establishing the methods, procedures, and form for delivery of information from an applicant or licensee concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs;

(3) establishing the procedures for the fingerprinting of an applicant for any license required under this subtitle or other methods of identification that may be necessary in the judgment of the Commission to accomplish effective enforcement of the provisions of this subtitle;

(4) establishing the manner and procedure of hearings conducted by the Commission;

(5) establishing the manner and method of collection of taxes, fees, and civil penalties;

(6) defining and limiting the areas of operation for video lottery terminals, rules of video lottery terminals, odds for video lottery terminals, the types and values of promotional items that may be given away to encourage play of video lottery terminals, and the method of operation of the video lottery terminals;

(7) regulating the practice and procedures for negotiable transactions involving players, including limitations on the circumstances and amounts of negotiable transactions and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

(8) prescribing the grounds and procedures for reprimands of licensees or the revocation or suspension of licenses issued under this subtitle;

(9) governing the manufacture, distribution, sale, and servicing of video lottery terminals;

(10) establishing the procedures, forms, and methods of management controls;

(11) providing for minimum uniform standards of accountancy methods, procedures, and forms as are necessary to assure consistency, comparability, and effective disclosure of all financial information, including percentages of profit for video lottery terminals;

(12) establishing periodic financial reports and the form of the reports, including an annual audit prepared by a certified public accountant licensed to do business in the State, disclosing whether the accounts, records, and control procedures examined are maintained by the video lottery operation licensee as required by this subtitle and the regulations that shall be issued under this subtitle;

(13) requiring licensees under this subtitle to demonstrate and maintain financial viability;

(14) ensuring that the operation of video lottery terminals and video lottery facilities is conducted legally;

(15) ESTABLISHING PROCEDURES FOR THE REMOVAL OF VIDEO LOTTERY TERMINALS FROM A VIDEO LOTTERY FACILITY; and

[(15)**] (16)** otherwise carrying out the provisions of this subtitle.

9–1A–05.

(c) A video lottery operation license issued under this subtitle is not valid at a geographic location other than the geographic location authorized in the license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery **AND GAMING CONTROL** Commission.

~~(d) (4) Notwithstanding paragraphs (1) and (2) of this subsection, an individual or business entity may enter into a management agreement to operate a facility located in Allegany County that it does not own, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery AND GAMING CONTROL Commission.~~

9–1A–10.

(a) (1) For the construction and procurement**, INCLUDING THE PROCUREMENT OF EQUIPMENT AND ONGOING SERVICES,** related to the operation of video lottery terminals, the applicant or licensee shall at a minimum meet the same requirements of a designated unit for minority business participation as described under Title 14, Subtitle 3 of the State Finance and Procurement Article.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in

paragraph (1) of this subsection, the applicant shall meet the county's minority business participation requirements to the extent possible.

(3) A COUNTY IN WHICH A VIDEO LOTTERY FACILITY WILL BE LOCATED MAY IMPOSE LOCAL BUSINESS, LOCAL MINORITY BUSINESS PARTICIPATION, AND LOCAL HIRING REQUIREMENTS TO THE EXTENT AUTHORIZED BY LOCAL LAW AND PERMITTED BY THE UNITED STATES CONSTITUTION.

[(3)**] (4)** Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

[(4)**] (5)** If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may appeal the employment decision to the local human relations board in the county where the facility is located.

[(5)**] (6)** Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

[(6)**] (7)** A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees Pension Fund.

[(7)**] (8)** Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The Governor's Office of Minority Affairs shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The Governor's Office of Minority Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the Governor's Office of Minority Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

(c) On or after July 1, 2018, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

9–1A–11.

(c) (1) Nothing in this subtitle may be construed to prohibit a video lottery operation licensee that is issued a license from beginning video lottery terminal operations in a temporary facility that meets the minimum requirements established in regulations adopted by the State Lottery **AND GAMING CONTROL** Commission.

(d) (2) (i) Subject to subparagraph (ii) of this paragraph, for a location in Allegany County, if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort and existing meeting space is eliminated as a result of the video lottery terminals, the licensee shall provide for meeting space that is accessible from the Rocky Gap Lodge and Resort within 36 months after issuance of the video lottery operation license, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery **AND GAMING CONTROL** Commission.

9–1A–21.

(a) **(1)** **[**Each video lottery terminal device, the**]** **THE** central monitor and control **[**system,**]** **SYSTEM** and the associated equipment and software shall be:

[(1)**]** **(I)** owned or leased by the Commission; and

[(2)**]** **(II)** under the control of the Commission.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, EACH VIDEO LOTTERY TERMINAL DEVICE AND THE ASSOCIATED EQUIPMENT AND SOFTWARE SHALL BE OWNED OR LEASED BY THE VIDEO LOTTERY FACILITY.

(II) 1. ~~FOR~~ SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, FOR A VIDEO LOTTERY FACILITY LOCATED IN ALLEGANY COUNTY OR WORCESTER COUNTY, EACH VIDEO LOTTERY TERMINAL DEVICE

AND THE ASSOCIATED EQUIPMENT AND SOFTWARE SHALL BE OWNED OR LEASED BY THE COMMISSION.

2. A VIDEO LOTTERY FACILITY LOCATED IN ALLEGANY COUNTY OR WORCESTER COUNTY MAY APPLY TO THE COMMISSION FOR PERMISSION TO ASSUME OWNERSHIP OR THE RIGHT TO LEASE EACH VIDEO LOTTERY TERMINAL DEVICE USED BY THE FACILITY.

(III) FOR A VIDEO LOTTERY FACILITY LOCATED IN ANNE ARUNDEL COUNTY OR CECIL COUNTY, THE COMMISSION SHALL OWN EACH VIDEO LOTTERY TERMINAL DEVICE AND THE ASSOCIATED EQUIPMENT AND SOFTWARE THROUGH MARCH 31, 2015.

(3) THE SAVINGS THAT ARE ATTRIBUTABLE TO REQUIRING VIDEO LOTTERY FACILITIES TO OWN OR LEASE THE VIDEO LOTTERY TERMINALS AND ASSOCIATED EQUIPMENT AND SOFTWARE SHALL BE APPROPRIATED TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE IN THE YEAR IN WHICH THE SPENDING WOULD HAVE OTHERWISE OCCURRED.

9–1A–24.

(f) In order to protect the public interest, the regulations shall include provisions that:

(1) limit the number and location of and maximum withdrawal amounts from automated teller machines;

(2) PROHIBIT AUTHORIZED AUTOMATED TELLER MACHINES FROM ACCEPTING ELECTRONIC BENEFIT CARDS, DEBIT CARDS, OR SIMILAR NEGOTIABLE INSTRUMENTS ISSUED BY THE DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF ACCESSING TEMPORARY CASH ASSISTANCE;

[*(2)****] (3)*** *require payouts above an amount adopted by the Commission to be made by check;*

[*(3)****] (4)*** *require conspicuous disclosures related to the payout of video lottery terminals;*

[*(4)****] (5)*** *limit the dollar amount that video lottery terminals will accept;*

[*(5)****] (6)*** *prohibit the use of specified negotiable instruments at video lottery facilities and the use of credit cards, debit cards, and similar devices in video lottery terminals;*

[(6)] (7) *provide consumers with a record of video lottery terminal spending levels if marketing measures are utilized that track consumer spending at video lottery facilities;*

[(7)] (8) *prohibit consumers from cashing paychecks at video lottery facilities; and*

[(8)] (9) *prohibit video lottery operation licensees from engaging in or contracting with another to engage in predatory marketing practices.*

9–1A–26.

(a) (1) Except as provided in [paragraph (2)] ***PARAGRAPHS (2) AND (3)*** *of this subsection, all proceeds from the operation of video lottery terminals shall be electronically transferred daily into the State Lottery Fund established under Subtitle 1 of this title and distributed as provided under § 9–1A–27 of this subtitle.*

(2) The requirement under paragraph (1) of this subsection does not apply on a day when State government is closed.

(3) THE AMOUNT FROM THE PROCEEDS OF VIDEO LOTTERY TERMINALS TO BE PAID TO VIDEO LOTTERY OPERATION LICENSEES UNDER § 9–1A–27(A)(2) AND (7), (B), AND (C)(1)(II) AND (2) OF THIS SUBTITLE SHALL BE RETAINED BY THE LICENSEE.

(b) (1) The Commission shall account to the Comptroller for all of the revenue under this subtitle.

(2) The proceeds from video lottery terminals shall be under the control of the Comptroller and shall be distributed as provided under § 9–1A–27 of this subtitle.

(c) The admissions and amusement tax may not be imposed on any proceeds from the operation of video lottery terminals.

9–1A–27.

(a) Except as provided in **[**subsection (b)**]** **SUBSECTIONS (B) AND (C)** of this section ***AND § 9–1A–26(A)(3) OF THIS SUBTITLE***, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) **(I) ON OR BEFORE MARCH 31, 2015,** 2% to the State Lottery **AND GAMING CONTROL** Agency for costs as defined in § 9–1A–01 of this subtitle; **AND**

(II) BEGINNING APRIL 1, 2015, 1% TO THE STATE LOTTERY AND GAMING CONTROL AGENCY FOR COSTS AS DEFINED IN § 9–1A–01 OF THIS SUBTITLE;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed**, EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,** 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) 7% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

(5) ***(I) UNTIL THE ISSUANCE OF A VIDEO LOTTERY OPERATION LICENSE IN BALTIMORE CITY, 1.75% TO THE RACETRACK FACILITY RENEWAL ACCOUNT ESTABLISHED UNDER § 9–1A–29 OF THIS SUBTITLE AND DISTRIBUTED IN ACCORDANCE WITH THAT SECTION; AND***

(II) ON OR AFTER THE ISSUANCE OF A VIDEO LOTTERY OPERATION LICENSE IN BALTIMORE CITY, ~~for the first [8] 16 years of operations at a video lottery facility,~~ **[**2.5%**] 1%** to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle ***AND DISTRIBUTED IN ACCORDANCE WITH THAT SECTION***, not to exceed a total of **[**$40,000,000**] $20,000,000** to the Account annually;

(6) 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; **[**and**]**

(7) ***(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM,*** **6% TO THE VIDEO LOTTERY OPERATION LICENSEE IF THE VIDEO LOTTERY OPERATION LICENSEE OWNS OR LEASES EACH VIDEO LOTTERY TERMINAL DEVICE AND THE ASSOCIATED EQUIPMENT AND SOFTWARE; AND**

(II) 8% TO THE VIDEO LOTTERY OPERATION LICENSEE IN ANNE ARUNDEL COUNTY; AND

(8) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(B) (1) BEGINNING JULY 1, 2013, FOR A VIDEO LOTTERY FACILITY IN WORCESTER COUNTY WITH LESS THAN 1,000 VIDEO LOTTERY TERMINALS, THE PERCENTAGE IN SUBSECTION (A)(2) OF THIS SECTION IS EQUAL TO 43% PROVIDED THAT EACH YEAR AN AMOUNT EQUIVALENT TO 2.5% OF THE

PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY IS SPENT ON CAPITAL IMPROVEMENTS AT THE VIDEO LOTTERY FACILITY.

(2) (I) AFTER 1 YEAR OF OPERATIONS AT A VIDEO LOTTERY FACILITY IN ALLEGANY COUNTY, THE PERCENTAGE IN SUBSECTION (C)(1)(II) OF THIS SECTION IS EQUAL TO 50%, PROVIDED THAT EACH YEAR AN AMOUNT EQUIVALENT TO 0.5% OF THE PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY IS SPENT ON CAPITAL IMPROVEMENTS AT THE VIDEO LOTTERY FACILITY; OR

(II) AFTER THE FIRST 10 YEARS OF OPERATIONS AT A VIDEO LOTTERY FACILITY IN ALLEGANY COUNTY, THE PERCENTAGE:

~~(I)~~ 1. IN SUBSECTION (A)(2) OF THIS SECTION IS EQUAL TO 43% PROVIDED THAT EACH YEAR AN AMOUNT EQUIVALENT TO 2.5% OF THE PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY IS SPENT ON CAPITAL IMPROVEMENTS AT THE VIDEO LOTTERY FACILITY; AND

~~(II)~~ 2. IN SUBSECTION (A)(1) OF THIS SECTION IS EQUAL TO 2%.

[(b)**] (C)** (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery **AND GAMING CONTROL** Agency for costs as defined in § 9–1A–01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9–1A–28 of this subtitle;

(v) 0.75% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in **[**subsection (a)**]** **SUBSECTIONS (A) AND (B)** of this section.

[(c)**]** **(D)** (1) If the costs of the State Lottery **AND GAMING CONTROL** Agency are less than the proceeds specified in subsection (a)(1) of this section, any amount not distributed to the State Lottery **AND GAMING CONTROL** Agency shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) The costs of the Commission shall be as provided in the State budget.

9–1A–29.

(a) There is a Racetrack Facility Renewal Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle ***FOR THE FIRST 16 YEARS OF OPERATIONS AT EACH VIDEO LOTTERY FACILITY.***

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE STATE RACING COMMISSION MAY USE THE SERVICES OF A CERTIFIED PUBLIC ACCOUNTANT TO REVIEW AN ELIGIBLE REQUEST FOR A GRANT UNDER THIS SECTION.

(II) THE HOLDER OF A LICENSE TO HOLD A RACE MEETING IN THE STATE THAT HAS REQUESTED A GRANT UNDER THIS SECTION SHALL

REIMBURSE THE STATE RACING COMMISSION FOR ANY EXPENDITURES FOR SERVICES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(k) Any unencumbered funds remaining in the Racetrack Facility Renewal Account ~~on July 1,~~ **[**~~2018,~~**] ~~2026,~~** ***AFTER A VIDEO LOTTERY FACILITY HAS BEEN IN OPERATION FOR 16 YEARS*** shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

9–1A–30.

(c) Money in the Education Trust Fund shall be used to:

(1) provide funding for public elementary and secondary education, through continuation of the funding and formulas established under the programs commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5–202(f) of the Education Article;

(2) provide funds to construct public school buildings and provide public school capital improvements in accordance with §§ 5–301 through 5–303 of the Education Article; **[**and**]**

(3) provide funds for capital projects at community colleges and public senior higher education institutions**; AND**

(4) PROVIDE FUNDS TO EXPAND PUBLIC EARLY CHILDHOOD EDUCATION PROGRAMS IN THE STATE.

9–1A–31.

(a) (1) ~~The~~ ***EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE*** local impact grants provided under § 9–1A–27 of this subtitle shall be distributed in the following manner:

(i) 82% to the local jurisdictions with video lottery facilities, based on each jurisdiction's percentage of overall gross revenues from video lottery terminals; and

(ii) except as provided in paragraph (2) of this subsection, for operations at a video lottery facility starting in fiscal year 2012 and ending in fiscal year **[**2027**] 2032**, 18% to Baltimore City with the Pimlico Community Development Authority acting as the local development council in accordance with subsection (d) of this section, to be distributed primarily for capital projects benefiting economic and community development in the following manner:

1. at least 75% in a manner that is consistent with the Park Heights Master Plan; and

2. the remainder dedicated to the needs of:

A. any census blockgroup that Baltimore City identifies as being located partly or entirely within 1 mile of Pimlico Race Course but not within the boundaries of the Park Heights Master Plan; and

B. any neighborhood included in the Northwest Community Planning Forum Strategic Neighborhood Action Plan.

(2) (i) Of the amount specified under paragraph (1)(ii) of this subsection, $1,000,000 shall be provided annually to Prince George's County to be used for ~~capital~~ ***PUBLIC SAFETY*** projects in the community within ~~10~~ *5* miles surrounding Rosecroft Raceway.

(ii) The Legislative Policy Committee shall report its findings and recommendations concerning the advisability of the continuation of the distribution of funds after fiscal year **[**2027**] 2032** to the Comptroller and, in accordance with § 2–1246 of this article, the General Assembly, on or before November 1, **[**2025**] 2030**.

(3) Baltimore City and Prince George's County shall report to the Legislative Policy Committee by December 31 of each year as to the distribution of the funds provided under this section.

(4) BEGINNING AFTER A VIDEO LOTTERY OPERATION LICENSE IS ISSUED TO A VIDEO LOTTERY FACILITY IN BALTIMORE CITY, 100% OF THE LOCAL IMPACT GRANTS PROVIDED UNDER § 9–1A–27 OF THIS SUBTITLE FROM THE PROCEEDS OF THE VIDEO LOTTERY FACILITIES LOCATED IN ALLEGANY, CECIL, AND WORCESTER COUNTIES SHALL BE DISTRIBUTED TO THE LOCAL JURISDICTIONS IN WHICH THOSE VIDEO LOTTERY FACILITIES ARE LOCATED.

(b) (1) Except as otherwise provided in ~~paragraph (2)~~ ***PARAGRAPHS (2) AND (3)*** of this subsection, local impact grants provided under subsection (a)(1)(i) of this section shall be used for improvements **PRIMARILY** in the communities in immediate proximity to the video lottery facilities and may be used for the following purposes:

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(2) In Allegany County, local impact grants provided under subsection (a)(1)(i) of this section may be used:

(i) for purposes listed in paragraph (1) of this subsection throughout the county; and

(ii) to pay down the debt incurred by the county in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park.

(3) IN BALTIMORE CITY, LOCAL IMPACT GRANTS PROVIDED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION SHALL BE USED FOR IMPROVEMENTS IN THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE VIDEO LOTTERY FACILITY AND MAY BE USED FOR THE FOLLOWING PURPOSES:

(I) INFRASTRUCTURE IMPROVEMENTS;

(II) FACILITIES;

(III) PUBLIC SAFETY;

(IV) SANITATION;

(V) ECONOMIC AND COMMUNITY DEVELOPMENT, INCLUDING HOUSING; AND

(VI) OTHER PUBLIC SERVICES AND IMPROVEMENTS.

9–1A–36.

(e) **[**(1)**]** The **STATE LOTTERY AND GAMING CONTROL** Commission **[**and the Department of Legislative Services**]** shall provide staff to the Video Lottery Facility Location Commission.

[(2) The Department of Legislative Services shall contract with an independent consultant that has at least 10 years substantial experience in consulting on matters relating to the gaming industry to assist and advise the Video Lottery Facility Location Commission in the review and analysis of applications submitted under this section.**]**

(h) (3) (i) With respect to a video lottery operation license awarded to a location under paragraph (1)(iv) of this subsection, the holder of the video lottery operation license or any other person with a direct or indirect legal or financial interest in the Ocean Downs racetrack or video lottery facility may not:

1. build any type of hotel, motel, or other public lodging accommodation on or within 10 miles of the property owned by the holder of the license on which a video lottery facility is operated;

2. convert an existing facility on or within 10 miles of the property described in item 1 of this subparagraph into any type of hotel, motel, or other public lodging accommodation; **OR**

3. build or operate a conference center or convention center, amusement park, **[**amusement rides,**]** arcade, or miniature golf course on or within 10 miles of the property described in item 1 of this subparagraph**[**; or

4. offer to patrons of the video lottery facility the playing of live music, floor shows, dancing, dancing exhibitions, performances, or any other form of live entertainment in or near the video lottery facility, provided that the holder of the video lottery operation license for the location under paragraph (1)(iv) of this subsection or another person with a direct or indirect legal or financial interest in the Ocean Downs racetrack or the video lottery facility may allow:

A. live fireworks displays to be conducted on the property; and

B. a single piano that is played by an individual**]**.

(ii) The prohibitions under subparagraph (i) of this paragraph apply to any subsequent holder of a video lottery operation license awarded under paragraph (1)(iv) of this subsection.

(i) (3) (i) Beginning with the termination date for the Video Lottery Facility Location Commission and every 3 years thereafter, if all of the video lottery terminals authorized under this subtitle are not allocated or have been allocated but are not in regular operation, the State Lottery **AND GAMING CONTROL** Commission may allocate or reallocate video lottery terminals to video lottery operation licensees in a manner that ensures that the highest potential revenues are achieved.

(ii) In determining the highest potential revenues to be achieved by additional video lottery terminals at each potential location, the State Lottery **AND GAMING CONTROL** Commission shall consider the market performance of the existing video lottery terminals at each location.

(L) (1) IF AN APPLICANT IS SEEKING INVESTORS IN THE ENTITY APPLYING FOR A VIDEO LOTTERY OPERATION LICENSE, IT SHALL TAKE THE FOLLOWING STEPS BEFORE BEING AWARDED A LICENSE BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION:

(I) MAKE SERIOUS, GOOD–FAITH EFFORTS TO SOLICIT AND INTERVIEW A REASONABLE NUMBER OF MINORITY INVESTORS;

(II) AS PART OF THE APPLICATION, SUBMIT A STATEMENT THAT LISTS THE NAMES AND ADDRESSES OF ALL MINORITY INVESTORS INTERVIEWED AND WHETHER OR NOT ANY OF THOSE INVESTORS HAVE PURCHASED AN EQUITY SHARE IN THE ENTITY SUBMITTING AN APPLICATION; AND

(III) IF AN APPLICANT IS AWARDED A LICENSE BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION, THE APPLICANT SHALL SIGN A MEMORANDUM OF UNDERSTANDING WITH THE VIDEO LOTTERY FACILITY LOCATION COMMISSION THAT REQUIRES THE AWARDEE TO AGAIN MAKE SERIOUS, GOOD–FAITH EFFORTS TO INTERVIEW MINORITY INVESTORS IN ANY FUTURE ATTEMPTS TO RAISE VENTURE CAPITAL OR ATTRACT NEW INVESTORS TO THE ENTITY AWARDED THE LICENSE.

(2) THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE ASSISTANCE TO ALL POTENTIAL APPLICANTS AND POTENTIAL MINORITY INVESTORS TO SATISFY THE REQUIREMENTS UNDER PARAGRAPH (1)(I) AND (III) OF THIS SUBSECTION.

[(l)**] (M)** The Video Lottery Facility Location Commission may not award a video lottery operation license to a person that is not qualified under this section or this subtitle.

[(m)**] (N)** (1) The Video Lottery Facility Location Commission shall refer to the State Lottery **AND GAMING CONTROL** Commission the name and all relevant information concerning a person that makes an application under this section.

(2) On receipt of the information in paragraph (1) of this subsection, the State Lottery **AND GAMING CONTROL** Commission shall evaluate whether an applicant is qualified to hold a video lottery operation license under this subtitle.

(3) On completion of its determination, the State Lottery **AND GAMING CONTROL** Commission shall notify the Video Lottery Facility Location Commission of its evaluation as to whether an applicant is qualified to hold a video lottery operation license under this subtitle.

[(n)**] (O)** After an award of a video lottery operation license under this section, the Video Lottery Facility Location Commission shall notify the State Lottery **AND GAMING CONTROL** Commission of the successful applicants.

[(o)**] (P)** After an award of a video lottery operation license under this section, the State Lottery **AND GAMING CONTROL** Commission shall:

(1) issue the video lottery operation license; and

(2) be responsible for all matters relating to regulation of the licensee.

[(p)**] (Q) (1)** An unsuccessful applicant for a video lottery operation license under this section may seek, under Title 15 of the State Finance and Procurement Article, review by the State Board of Contract Appeals of the awarding of the video lottery operation license by the Video Lottery Facility Location Commission.

(2) A PROCEEDING UNDER THIS SUBSECTION SHALL:

(I) TAKE PRECEDENCE ON THE BOARD'S DOCKET;

(II) BE HEARD AT THE EARLIEST PRACTICABLE DATE; AND

(III) BE EXPEDITED IN EVERY WAY.

[(q)**] (R)** (1) Nothing in this subtitle may be construed to require the Video Lottery Facility Location Commission to award all five video lottery operation licenses authorized under this subtitle.

(2) Notwithstanding any of the provisions of this subtitle, the Video Lottery Facility Location Commission may not award a video lottery operation license under this subtitle unless the Video Lottery Facility Location Commission determines and declares that an applicant selected for award of the license is in the public interest and is consistent with the purposes of this subtitle.

[(r)**] (S)** The Video Lottery Facility Location Commission may award a video lottery operation license that is revoked or surrendered utilizing the criteria established in this subtitle.

[(s)**] (T)** (1) Except as provided in paragraph (2) of this subsection, the Video Lottery Facility Location Commission shall terminate on January 1, 2015.

(2) The Governor may reconstitute the Video Lottery Facility Location Commission, which shall include the appointment of new members based on the criteria established under subsections (b) and (c) of this section:

(i) one year prior to the expiration of a video lottery operation license; or

(ii) following the revocation or surrender of a video lottery operation license.

9–1A–37.

(A) (1) THE COMMISSION MAY CONSIDER AND MAKE RECOMMENDATIONS ON PROPOSED CHANGES TO THIS SUBTITLE, SUBTITLE 1 OF THIS TITLE, AND ANY PROVISIONS OF ARTICLE 2B OF THE CODE THAT RELATE TO THE REGULATION OF ALCOHOLIC BEVERAGES AT VIDEO LOTTERY FACILITIES.

(2) ON REQUEST OF THE GOVERNOR OR THE PRESIDING OFFICER OF EITHER HOUSE OF THE GENERAL ASSEMBLY, THE COMMISSION SHALL CONSIDER AND MAKE RECOMMENDATIONS ON PROPOSED CHANGES TO THIS SUBTITLE, SUBTITLE 1 OF THIS TITLE, AND ANY PROVISIONS OF ARTICLE 2B OF THE CODE THAT RELATE TO THE REGULATION OF ALCOHOLIC BEVERAGES AT VIDEO LOTTERY FACILITIES.

(3) A VIDEO LOTTERY FACILITY MAY REQUEST THAT THE COMMISSION CONSIDER AND MAKE RECOMMENDATIONS ON PROPOSED CHANGES TO THIS SUBTITLE AND ANY PROVISIONS OF ARTICLE 2B OF THE CODE THAT RELATE TO THE REGULATION OF ALCOHOLIC BEVERAGES AT VIDEO LOTTERY FACILITIES.

(B) (1) THE COMMISSION MAY RECOMMEND OR PROPOSE LEGISLATION ON ANY MATTER WITHIN OR RELATED TO THE JURISDICTION OF THE COMMISSION.

(2) THE COMMISSION SHALL REVIEW AND COMMENT ON ANY LEGISLATION INTRODUCED DURING A SESSION OF THE GENERAL ASSEMBLY THAT RELATES TO A MATTER WITHIN THE JURISDICTION OF THE COMMISSION.

9–1A–38.

(A) THERE IS A JOINT COMMITTEE ON GAMING OVERSIGHT.

(B) (1) THE COMMITTEE CONSISTS OF THE FOLLOWING EIGHT MEMBERS:

~~(1)~~ (I) FOUR MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

~~(2)~~ *(II) FOUR MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.*

(2) AT LEAST ONE SENATOR AND ONE DELEGATE APPOINTED UNDER THIS SUBSECTION SHALL BE A MEMBER OF THE MINORITY PARTY.

(C) THE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

(D) THE PRESIDENT AND THE SPEAKER OF THE HOUSE SHALL APPOINT A SENATOR AND A DELEGATE, RESPECTIVELY, TO SERVE AS COCHAIRS.

(E) (1) THE COMMITTEE SHALL EXAMINE:

(I) THE STATUS OF THE STATE'S GAMING PROGRAM; AND

(II) THE IMPLEMENTATION OF NEW LAWS RELATING TO GAMING.

(2) THE COMMITTEE SHALL MAKE RECOMMENDATIONS FOR POTENTIAL IMPROVEMENTS TO THE STATE'S GAMING PROGRAM.

(F) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFFING FOR THE COMMITTEE.

(G) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE COMMITTEE, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(H) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY.

Article – Courts and Judicial Proceedings

12–309.

(A) A PETITION FOR JUDICIAL REVIEW OF A FINAL DECISION BY THE STATE BOARD OF CONTRACT APPEALS IN AN APPEAL FROM THE AWARD OF A VIDEO LOTTERY OPERATION LICENSE BY THE VIDEO LOTTERY FACILITY LOCATION COMMISSION MAY BE HEARD IN THE CIRCUIT COURT OF ANY

COUNTY IN WHICH VENUE WOULD BE APPROPRIATE UNDER § 6–201 OF THIS ARTICLE.

(B) EXCEPT FOR CASES THAT THE COURT CONSIDERS TO REQUIRE A HIGHER PRIORITY, A PROCEEDING UNDER THIS SECTION, INCLUDING ANY SUBSEQUENT APPELLATE JUDICIAL REVIEW, SHALL:

(1) TAKE PRECEDENCE ON THE COURT'S DOCKET;

(2) BE HEARD AT THE EARLIEST PRACTICABLE DATE; AND

(3) BE EXPEDITED IN EVERY WAY.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTY TO A PROCEEDING UNDER THIS SECTION MAY APPEAL THE DECISION OF THE CIRCUIT COURT ONLY BY A PETITION TO THE COURT OF APPEALS FOR THE ISSUANCE OF A WRIT OF CERTIORARI.

Article – Election Law

13–237.

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

~~(2) "GAMING ACTIVITY" MEANS VIDEO LOTTERY AUTHORIZED BY THIS STATE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.~~

~~(3) "KEY EMPLOYEE" MEANS AN INDIVIDUAL WHO, ACTING AS AN AGENT OR EMPLOYEE OF A PERSON OR LICENSEE, SUPERVISES MORE THAN TWO AGENTS OR EMPLOYEES OF THE PERSON OR LICENSEE AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THIS STATE.~~

~~(4) "LICENSEE" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.~~

~~(5)~~ (2) "OWN" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

~~(6)~~ (3) "VIDEO LOTTERY FACILITY" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

~~(7)~~ (4) "VIDEO LOTTERY ~~TERMINAL~~ OPERATION LICENSE" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

(B) THIS SECTION APPLIES TO THE FOLLOWING PERSONS:

(1) AN APPLICANT FOR A VIDEO LOTTERY OPERATION LICENSE ~~TO ENGAGE IN GAMING ACTIVITY IN THIS STATE;~~; ~~AND~~

(2) A HOLDER OF A VIDEO LOTTERY OPERATION LICENSE; OR

~~(2) A LICENSEE OR OTHER PERSON AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THIS STATE;~~

~~(3) A HOLDING COMPANY, INTERMEDIARY COMPANY, OR A SUBSIDIARY COMPANY OF:~~

~~(I) AN APPLICANT FOR A LICENSE TO ENGAGE IN GAMING ACTIVITY IN THIS STATE; OR~~

~~(II) A LICENSEE OR OTHER PERSON AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THIS STATE;~~

~~(4) A KEY EMPLOYEE OF, OR PERSON OR AGENT ON BEHALF OF:~~

~~(I) AN APPLICANT FOR A LICENSE TO ENGAGE IN GAMING ACTIVITY IN THIS STATE; OR~~

~~(II) A LICENSEE OR OTHER PERSON AUTHORIZED TO ENGAGE IN GAMING ACTIVITY IN THIS STATE; OR~~

~~(5)~~ ~~(2)~~ *(3)* A PERSON WHO OWNS AN INTEREST IN THE OPERATION OF A VIDEO LOTTERY ~~TERMINAL OR OTHER GAMING ACTIVITY~~ FACILITY IN THIS STATE.

(C) THIS SECTION DOES NOT APPLY TO GAMING ACTIVITY THAT AN ELIGIBLE ORGANIZATION IS AUTHORIZED TO CONDUCT UNDER THE CRIMINAL LAW ARTICLE.

(D) A PERSON SUBJECT TO THIS SECTION MAY NOT, DIRECTLY OR INDIRECTLY, MAKE A CONTRIBUTION TO:

(1) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE FOR ANY *NONFEDERAL* PUBLIC OFFICE IN THE STATE; *OR*

(2) ~~THE CAMPAIGN FINANCE ENTITY OF A POLITICAL PARTY IN THE STATE; OR~~

~~(3)~~ ANY OTHER CAMPAIGN FINANCE ENTITY ORGANIZED IN SUPPORT OF~~:~~

~~(I)~~ A CANDIDATE FOR ANY *NONFEDERAL* PUBLIC OFFICE IN THE STATE~~; OR~~

~~(II)~~ ~~A POLITICAL PARTY IN THE STATE~~.

Article – Tax – Property

7–244.

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

(2) "Associated equipment" has the meaning stated in § 9–1A–01 of the State Government Article.

(3) "VIDEO LOTTERY OPERATION LICENSE" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

***[**(3)**] (4)** "Video lottery terminal" has the meaning stated in § 9–1A– 01 of the State Government Article.*

*(b) Video lottery terminals and any associated equipment or software leased by the State Lottery **AND GAMING CONTROL** Commission as provided in § 9–1A–21 of the State Government Article are not subject to property tax.*

*(c) An interest of a person in video lottery terminals and any associated equipment or software owned by the State Lottery **AND GAMING CONTROL** Commission as provided in § 9–1A–21 of the State Government Article is not subject to property tax.*

(D) VIDEO LOTTERY TERMINALS AND ANY ASSOCIATED EQUIPMENT AND SOFTWARE OWNED OR LEASED BY A HOLDER OF A VIDEO LOTTERY OPERATION LICENSE ARE NOT SUBJECT TO PROPERTY TAX.

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

Article – State Government

9–1A–01.

(r) "Manufacturer" means a person:

(1) **(I)** that is engaged in the business of designing, building, constructing, assembling, manufacturing, or distributing a central monitor and control system, video lottery terminals, associated equipment or software, or the cabinet in which a video lottery terminal is housed;

[(2)**]** **(II)** that produces a product that is intended for sale, lease, or other assignment to the Commission or a licensee; and

[(3)**]** **(III)** that contracts with the Commission or a licensee for the sale, lease, or other assignment of a product described in **[**paragraph (1) of this subsection**]** **ITEM (I) OF THIS ITEM; OR**

(2) (I) THAT IS ENGAGED IN THE BUSINESS OF DESIGNING, BUILDING, CONSTRUCTING, ASSEMBLING, MANUFACTURING, OR DISTRIBUTING TABLE GAMES OR TABLE GAME EQUIPMENT;

(II) THAT PRODUCES A PRODUCT RELATED TO TABLE GAMES THAT IS INTENDED FOR SALE, LEASE, OR OTHER ASSIGNMENT TO A LICENSEE; AND

(III) THAT CONTRACTS WITH A LICENSEE FOR THE SALE, LEASE, OR OTHER ASSIGNMENT OF A PRODUCT DESCRIBED IN ITEM (I) OF THIS ITEM.

(u) (1) "Proceeds" means the part of the amount of money bet through video lottery terminals **AND TABLE GAMES** that is not returned to successful players but is otherwise allocated under this subtitle.

(2) (i) Subject to subparagraph (ii) of this paragraph, "proceeds" does not include money given away by a video lottery operation licensee as free promotional play and used by players to bet in a video lottery terminal.

(ii) After the first fiscal year of operations, the exclusion specified in subparagraph (i) of this paragraph may not exceed a percentage established by the Commission by regulation of the proceeds received from video lottery terminals in the prior fiscal year by the video lottery operation licensee under § 9–1A–27(a)(2) and (c)(1)(ii) of this subtitle.

(W–1) "TABLE GAME EQUIPMENT" MEANS EQUIPMENT THAT IS RELATED TO THE OPERATION OF TABLE GAMES AND THAT IS OWNED OR LEASED BY THE VIDEO LOTTERY FACILITY AND LOCATED ON THE VIDEO LOTTERY FACILITY'S PREMISES.

(W–2) "TABLE GAMES" MEANS:

(1) ROULETTE, BACCARAT, BLACKJACK, CRAPS, BIG SIX WHEEL, MINIBACCARAT, POKER, PAI GOW POKER, AND SIC BO, OR ANY VARIATION AND COMPOSITES OF SUCH GAMES; AND

(2) GAMING TOURNAMENTS IN WHICH PLAYERS COMPETE AGAINST ONE ANOTHER IN ONE OR MORE OF THE GAMES AUTHORIZED UNDER ITEM (1) OF THIS SUBSECTION.

9–1A–02.

(b) **(3) THE COMMISSION SHALL REGULATE THE OPERATION OF TABLE GAMES IN ACCORDANCE WITH THIS SUBTITLE.**

(d) Only a person with a video lottery operation license issued under this subtitle may offer a video lottery terminal **AND TABLE GAMES** for public use in the State under this subtitle.

9–1A–04.

(a) The Commission shall:

(1) promptly and in reasonable order, make a determination on license applications and causes affecting the granting or renewal of licenses under this subtitle;

(2) issue licenses in accordance with this subtitle;

(3) after a hearing, promptly and in reasonable order, make a determination on the suspension or revocation of licenses under this subtitle;

(4) after a hearing, suspend or revoke as applicable the license of a licensee who has a license suspended or revoked in another state;

(5) conduct hearings concerning civil violations of this subtitle or regulations issued under this subtitle;

(6) collect application, license, and other fees to cover the administrative costs of this subtitle related to licensing;

(7) deposit application, license, and other fees to a bank account that the State Treasurer designates to the credit of the State Lottery Fund to cover the administrative costs of this subtitle related to licensing;

(8) levy and collect civil penalties for civil violations of the provisions of this subtitle or regulations issued under this subtitle;

(9) be present at a video lottery operation through its employees and agents at any time during the operation of any video lottery terminal **OR TABLE GAME** for the purpose of certifying revenue from the video lottery terminals **OR TABLE GAMES**, receiving complaints from the public, and conducting any other investigation into the operation of the video lottery terminals **OR TABLE GAMES** and the maintenance of the video lottery terminals and associated equipment and software **AND TABLE GAMES AND TABLE GAME EQUIPMENT** as the Commission may deem necessary and proper; **[**and**]**

(10) review and rule on any complaint by a licensee regarding any investigative procedures of the Commission that are unnecessarily disruptive of video lottery **AND TABLE GAMES** operations**; AND**

(11) AUTHORIZE A HOLDER OF A VIDEO LOTTERY OPERATION LICENSE UNDER THIS SUBTITLE TO OFFER TABLE GAMES TO THE PUBLIC IN THE STATE.

(b) The Commission may:

(1) issue subpoenas to compel the attendance of witnesses at any place within the State in the course of any investigation or hearing under this subtitle;

(2) administer oaths and require testimony under oath before the Commission in the course of any investigation or hearing conducted under this subtitle;

(3) serve or cause to be served its process or notices in a manner provided for service of process in civil actions under the Maryland Rules; and

(4) propound written interrogatories.

(c) Except as otherwise provided in this subtitle, the Commission shall conduct a hearing in the same manner as specified in Title 10, Subtitle 2 of this article.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(1) establishing the methods and forms of application that an applicant for any license required under this subtitle shall follow and complete before consideration of the application by the Commission;

(2) establishing the methods, procedures, and form for delivery of information from an applicant or licensee concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs;

(3) establishing the procedures for the fingerprinting of an applicant for any license required under this subtitle or other methods of identification that may be necessary in the judgment of the Commission to accomplish effective enforcement of the provisions of this subtitle;

(4) establishing the manner and procedure of hearings conducted by the Commission;

(5) establishing the manner and method of collection of taxes, fees, and civil penalties;

(6) defining and limiting the areas of operation for video lottery terminals **AND TABLE GAMES**, rules of video lottery terminals **AND TABLE GAMES**, odds for video lottery terminals **AND TABLE GAMES**, the types and values of promotional items that may be given away to encourage play of video lottery terminals **AND TABLE GAMES**, **[**and**]** the method of operation of the video lottery terminals **AND TABLE GAMES, AND THE NUMBER AND TYPES OF TABLE GAMES**;

(7) regulating the practice and procedures for negotiable transactions involving players, including limitations on the circumstances and amounts of negotiable transactions and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

(8) prescribing the grounds and procedures for reprimands of licensees or the revocation or suspension of licenses issued under this subtitle;

(9) governing the manufacture, distribution, sale, and servicing of video lottery terminals **AND TABLE GAMES**;

(10) establishing the procedures, forms, and methods of management controls;

(11) providing for minimum uniform standards of accountancy methods, procedures, and forms as are necessary to assure consistency, comparability, and effective disclosure of all financial information, including percentages of profit for video lottery terminals **AND TABLE GAMES**;

(12) establishing periodic financial reports and the form of the reports, including an annual audit prepared by a certified public accountant licensed to do business in the State, disclosing whether the accounts, records, and control procedures examined are maintained by the video lottery operation licensee as required by this subtitle and the regulations that shall be issued under this subtitle;

(13) requiring licensees under this subtitle to demonstrate and maintain financial viability;

(14) ensuring that the operation of video lottery terminals**, TABLE GAMES,** and video lottery facilities is conducted legally;

(15) establishing procedures for the removal of video lottery terminals from a video lottery facility; **[**and**]**

(16) DETERMINING THE SUITABILITY OF:

(I) THE USE OF ANY VARIATIONS OR COMPOSITES OF THE TABLE GAMES AUTHORIZED UNDER THIS SUBTITLE AFTER AN APPROPRIATE TEST OR EXPERIMENTAL PERIOD UNDER TERMS AND CONDITIONS THAT THE COMMISSION MAY DEEM APPROPRIATE; AND

(II) ANY OTHER GAME THAT IS COMPATIBLE WITH THE PUBLIC INTEREST AND SUITABLE FOR CASINO USE AFTER AN APPROPRIATE TEST OR EXPERIMENTAL PERIOD DEEMED APPROPRIATE BY THE COMMISSION;

(17) ESTABLISHING PROCEDURES FOR ACCOUNTING FOR ALL MONEY EXCHANGED AT EACH TABLE GAME;

(18) ESTABLISHING THE NUMBER OF VIDEO LOTTERY TERMINALS THAT MAY BE REMOVED FROM A VIDEO LOTTERY FACILITY TO ACCOMMODATE TABLE GAMES; AND

[(16)**] (19)** otherwise carrying out the provisions of this subtitle.

(e) (1) The Commission shall by regulation require an applicant or licensee to file a bond for the benefit of the State for the faithful performance of the requirements imposed by this subtitle and any regulations issued under this subtitle.

(2) An applicant or licensee shall obtain and submit satisfactory proof of the bond to the Commission before a license is issued or reissued.

(3) The bonds furnished may be applied by the Commission to the payment of an unpaid liability of the licensee.

(4) The Commission by regulation may exempt categories of video lottery **AND TABLE GAME** employees who are not directly involved in the video lottery **AND TABLE GAME** operations from the requirements of this subsection if the Commission determines that the requirement is not necessary in order to protect the public interest or accomplish the policies established under this subtitle.

(f) (1) The Commission shall promptly and thoroughly investigate all applications and enforce this subtitle and regulations that are adopted under this subtitle.

(2) The Commission and its employees and agents shall have the authority, without notice and without warrant, to:

(i) inspect and examine all premises in which video lottery **AND TABLE GAME** operations under this subtitle are conducted or any authorized **TABLE GAMES, TABLE GAME EQUIPMENT,** video lottery terminals, central monitor and control system, or associated equipment and software designed, built, constructed, assembled, manufactured, sold, distributed, or serviced, or in which records of those activities are prepared or maintained;

(ii) inspect any **TABLE GAMES, TABLE GAME EQUIPMENT,** video lottery terminals, central monitor and control system, or associated equipment and software in, about, on, or around those premises;

(iii) seize summarily and remove from those premises and impound, or assume physical control of, any **TABLE GAMES, TABLE GAME EQUIPMENT,** video lottery terminals, central monitor and control system, or associated equipment and software for the purposes of examination and inspection;

(iv) inspect, examine, and audit books, records, and documents concerning a licensee's video lottery **AND TABLE GAME** operations, including the financial records of a parent corporation, subsidiary corporation, or similar business entity; and

(v) seize, impound, or assume physical control of books, records, ledgers, cash boxes and their contents, a counting room or its equipment, or other physical objects relating to video lottery **OR TABLE GAME** operations.

(3) A licensee shall authorize any other person having financial records relating to the licensee to provide those records to the Commission.

(G) THE COMMISSION MAY NOT CHARGE A VIDEO LOTTERY FACILITY A FEE TO OFFER TABLE GAMES.

(H) THE COMMISSION MAY NOT PERMIT THE OPERATION OF VIDEO LOTTERY TERMINALS IN PRINCE GEORGE'S COUNTY BEFORE THE EARLIER OF JULY 1, 2016, OR 30 MONTHS AFTER THE VIDEO LOTTERY FACILITY IN BALTIMORE CITY IS OPEN TO THE PUBLIC.

9–1A–05.

(a) The Video Lottery Facility Location Commission established under § 9–1A–36 of this subtitle may not:

(1) award more than **[**five**]** **SIX** video lottery operation licenses;

(2) award more than **[**15,000**]** **16,500** video lottery terminals for operation at video lottery facilities in the State;

(3) subject to the requirements of § 9–1A–36(h) and (i) of this subtitle, award more than 4,750 terminals for operation at any video lottery facility; and

(4) for a location in Allegany County:

(i) award a video lottery operation license to an applicant that does not agree to purchase the Rocky Gap Lodge and Resort; and

(ii) notwithstanding § 9–1A–36(i)(2) of this subtitle, award more than **[**1,000**]** **1,500** video lottery terminals for operation at a video lottery facility in Allegany County.

(d) (1) In this subsection, "owner" includes any type of owner or beneficiary of a business entity, including an officer, director, principal employee, partner, investor, stockholder, or beneficial owner of the business entity and, notwithstanding any other provisions of this subtitle, including a person having any ownership interest regardless of the percentage of ownership interest.

(2) An individual or business entity may not own an interest in more than one video lottery facility.

(3) A member of the Senate of Maryland or the House of Delegates may not be an owner or an employee of any business entity that holds a video lottery operation license.

*(4) Notwithstanding paragraphs (1) and (2) of this subsection***[***,***]:***

(I) *an individual or business entity may enter into a management agreement to operate a facility located in Allegany County that it does not own, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery* ***AND GAMING CONTROL*** *Commission****; AND***

(II) A HOLDER OF A VIDEO LOTTERY OPERATION LICENSE MAY APPLY TO THE VIDEO LOTTERY FACILITY LOCATION COMMISSION FOR AN ADDITIONAL LICENSE PROVIDED THAT THE APPLICATION REQUIRED UNDER § 9–1A–36 OF THIS SUBTITLE INCLUDES A PLAN FOR DIVESTING FROM THE VIDEO LOTTERY OPERATION LICENSE HELD ON THE DATE OF THE APPLICATION.

9–1A–06.

(a) The following persons shall be licensed under this subtitle:

(1) a video lottery operator;

(2) a manufacturer;

(3) a person not licensed under item (1) or (2) of this subsection who manages, operates, supplies, provides security for, or provides service, maintenance, or repairs for video lottery terminals **OR TABLE GAMES**; and

(4) a video lottery employee.

9–1A–11.

(b) (1) Except as provided in ***[****paragraph (2)****]*** ***PARAGRAPHS (2) AND (3)*** *of this subsection, a licensee shall commence operation of video lottery terminals in a permanent facility at the location for which the video lottery operation license has been awarded within 18 months after the license is awarded.*

(2) (i) On a determination by the Commission that extenuating circumstances exist that are beyond the control of an awardee and have prevented the awardee from complying with the requirements of paragraph (1) of this subsection, the Commission may allow the awardee an extension of 6 months to comply with the requirements.

(ii) The Commission may not grant more than two extensions to an awardee under this paragraph.

(3) NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, THE COMMISSION MAY ALLOW AN AWARDEE OF A VIDEO LOTTERY OPERATION LICENSE IN PRINCE GEORGE'S COUNTY TO COMMENCE OPERATION IN A PERMANENT FACILITY MORE THAN 18 MONTHS, BUT NOT MORE THAN 30 MONTHS, AFTER THE LICENSE IS AWARDED.

[*(3)****] (4)*** *If a video lottery operation awardee fails to comply with the requirements of this subsection, the license awarded to the awardee shall be revoked and shall automatically revert to the State.*

(c) (1) Nothing in this subtitle may be construed to prohibit a video lottery operation licensee that is issued a license from beginning video lottery terminal ***OR TABLE GAME*** *operations in a temporary facility that meets the minimum requirements established in regulations adopted by the State Lottery and Gaming Control Commission.*

(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A VIDEO LOTTERY FACILITY IN PRINCE GEORGE'S COUNTY MAY NOT BEGIN VIDEO LOTTERY TERMINAL OR TABLE GAME OPERATIONS IN A TEMPORARY FACILITY OR IN A STRUCTURE, INCLUDING A HOTEL OR CONFERENCE CENTER, THAT EXISTS ON AUGUST 15, 2012.

(d) (1) For a location in Allegany County, if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort, the licensee shall restrict public access to the video lottery facility from the Rocky Gap Lodge and Resort.

(2) (i) Subject to ***[****subparagraph (ii)****] SUBPARAGRAPHS (II) AND (III)*** *of this paragraph, for a location in Allegany County, if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort and existing meeting space is eliminated as a result of the video lottery terminals, the licensee shall provide for meeting space that is accessible from the Rocky Gap Lodge and Resort within 36 months after issuance of the video lottery operation license, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery and Gaming Control Commission.*

(ii) The licensee shall restrict public access to the video lottery facility from any meeting space provided under subparagraph (i) of this paragraph.

(III) THE LICENSEE MAY NOT BEGIN TABLE GAME OPERATIONS UNTIL THE LICENSEE SUBMITS EVIDENCE SATISFACTORY TO THE STATE LOTTERY AND GAMING CONTROL COMMISSION THAT REPLACEMENT WORK HAS BEGUN TO PROVIDE MEETING SPACE EQUAL TO OR GREATER THAN THE ELIMINATED MEETING SPACE.

9–1A–15.

(a) **(1)** Unless a manufacturer holds a valid manufacturer's license issued by the Commission before conducting business with a licensee or the State, the manufacturer may not offer any video lottery terminal, central monitor and control system, associated equipment or software, or goods or services that directly relate to the operation of video lottery terminals under this subtitle.

(2) UNLESS A MANUFACTURER HOLDS A VALID MANUFACTURER'S LICENSE ISSUED BY THE COMMISSION BEFORE CONDUCTING BUSINESS WITH A LICENSEE, THE MANUFACTURER MAY NOT OFFER ANY TABLE GAMES OR TABLE GAME EQUIPMENT UNDER THIS SUBTITLE.

(d) **(1)** A manufacturer of the video lottery terminals, central monitor and control system, and associated equipment and software shall manufacture or distribute the video lottery terminals, central monitor and control system, and

associated equipment and software that meet specifications and procedures established by the Commission.

(2) A MANUFACTURER OF TABLE GAMES AND TABLE GAME EQUIPMENT SHALL MANUFACTURE OR DISTRIBUTE THE TABLE GAMES AND TABLE GAME EQUIPMENT THAT MEET SPECIFICATIONS AND PROCEDURES ESTABLISHED BY THE COMMISSION.

9–1A–18.

(a) Because the public has a vital interest in video lottery **AND TABLE GAME** operations and has established a limited exception to the policy of the State concerning gambling for private gain, participation in video lottery **AND TABLE GAME** operations by a licensee under this subtitle shall be deemed a revocable privilege conditioned on the proper and continued qualification of the licensee and on the discharge of the affirmative responsibility of each licensee to provide to the regulatory and investigatory authorities under this subtitle or any other provision of law, any assistance and information necessary to assure that the policies declared by this subtitle are achieved.

9–1A–23.

(a) **[**(1) Except as provided in paragraph (2) of this subsection, a video lottery facility may operate daily from 8 a.m. to 2 a.m.

(2) A video lottery facility may extend operations until 4 a.m. on Saturday and 4 a.m. on Sunday.**] A VIDEO LOTTERY FACILITY MAY OPERATE 24 HOURS A DAY.**

9–1A–24.

(c) A video lottery operation licensee shall ensure that intoxicated individuals and individuals under the age of 21 years are not allowed to play video lottery terminals **OR TABLE GAMES** and are not allowed in areas of the video lottery facility where video lottery terminals **OR TABLE GAMES** are located.

9–1A–26.

(a) (1) Except as provided in ~~paragraph (2)~~ *paragraphs (2) and (3)* of this subsection, all proceeds from the operation of video lottery terminals **AND TABLE GAMES** shall be electronically transferred daily into the State Lottery Fund established under Subtitle 1 of this title and distributed as provided under § 9–1A–27 of this subtitle.

(2) The requirement under paragraph (1) of this subsection does not apply on a day when State government is closed.

(3) The amount from the proceeds of video lottery terminals to be paid to video lottery operation licensees under § 9–1A–27(a)(2) and (7), (b), and (c)(1)(ii) and (2) of this subtitle shall be retained by the licensee.

(b) (1) The Commission shall account to the Comptroller for all of the revenue under this subtitle.

(2) The proceeds from video lottery terminals **AND TABLE GAMES** shall be under the control of the Comptroller and shall be distributed as provided under § 9–1A–27 of this subtitle.

(c) The admissions and amusement tax may not be imposed on any proceeds from the operation of video lottery terminals **AND TABLE GAMES**.

9–1A–27.

(a) Except as provided in subsections (b) and (c) of this section *and § 9–1A–26(a)(3) of this subtitle*, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle; and

(ii) beginning April 1, 2015, 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed, except as provided in subsection (b) of this section, 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) 7% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

(5) *(i) until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section; and*

(ii) on or after the issuance of a video lottery operation license in Baltimore City, ~~for the first 16 years of operations at a video lottery facility,~~ 1% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle, not to exceed a total of $20,000,000 to the Account annually;

(6) 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle;

(7) *(i)* *except as provided in item (ii) of this item,* 6% to the video lottery operation licensee if the video lottery operation licensee owns or leases each video lottery terminal device and the associated equipment and software; *and*

(ii) *8% to the video lottery operation licensee in Anne Arundel County;* **[**and**]**

(8) BEGINNING AFTER THE ISSUANCE OF A VIDEO LOTTERY OPERATION LICENSE FOR A VIDEO LOTTERY FACILITY IN PRINCE GEORGE'S COUNTY, ~~5%~~ *8%* TO THE VIDEO LOTTERY OPERATION LICENSEE IN ANNE ARUNDEL COUNTY AND *7% TO THE LICENSEE IN* BALTIMORE CITY FOR:

(I) MARKETING, ADVERTISING, AND PROMOTIONAL COSTS REQUIRED UNDER § 9–1A–23 OF THIS SUBTITLE; AND

(II) CAPITAL IMPROVEMENTS AT THE VIDEO LOTTERY FACILITIES; AND

[(8)**] (9)** the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(b) (1) Beginning July 1, 2013, for a video lottery facility in Worcester County with less than 1,000 video lottery terminals, the percentage in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility.

(2) (i) After 1 year of operations at a video lottery facility in Allegany County, the percentage in subsection (c)(1)(ii) of this section is equal to 50%, provided that each year an amount equivalent to 0.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility; or

(ii) after the first 10 years of operations at a video lottery facility in Allegany County, the percentage:

~~(i)~~ **1.** in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility; and

~~(ii)~~ **2.** in subsection (a)(1) of this section is equal to 2%.

(3) FOR A VIDEO LOTTERY FACILITY IN PRINCE GEORGE'S COUNTY, THE PERCENTAGE IN SUBSECTION (A)(2) OF THIS SECTION STATED IN THE ACCEPTED APPLICATION FOR THE LOCATION MAY NOT EXCEED 38%.

(c) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9–1A–28 of this subtitle;

(v) 0.75% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsections (a) and (b) of this section.

(D) ***(1) EACH VIDEO LOTTERY OPERATION LICENSEE SHALL RETAIN 80% OF THE PROCEEDS OF TABLE GAMES AT THE VIDEO LOTTERY FACILITY.***

(2) **ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE COMPTROLLER SHALL PAY** ~~**80% OF THE PROCEEDS OF TABLE GAMES AT EACH VIDEO LOTTERY FACILITY TO THE VIDEO LOTTERY OPERATION LICENSEE AND THE REMAINDER**~~ ***20% OF THE PROCEEDS OF TABLE GAMES AT THE VIDEO LOTTERY FACILITY*** **TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE.**

[(d)**] (E)** (1) If the costs of the State Lottery and Gaming Control Agency are less than the proceeds specified in subsection (a)(1) of this section, any amount not distributed to the State Lottery and Gaming Control Agency shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) The costs of the Commission shall be as provided in the State budget.

9–1A–33.

(a) **(1)** The Commission shall:

[(1)**]** **(I)** establish an annual fee of $425, to be paid by each video lottery operation licensee, for each video lottery terminal operated by the licensee during the year, based on the maximum number of terminal positions in use during the year; and

[(2)**]** **(II)** distribute the fees collected under item **[**(1)**](I)** of this **[**subsection**]** **PARAGRAPH** to the Problem Gambling Fund established in subsection (b) of this section.

(2) THE COMMISSION MAY ESTABLISH AN ANNUAL FEE OF UP TO $500 FOR EACH TABLE GAME TO BE PAID BY EACH VIDEO LOTTERY OPERATION LICENSEE AND DISTRIBUTED TO THE PROBLEM GAMBLING FUND UNDER SUBSECTION (B) OF THIS SECTION IN ORDER TO ENSURE SUFFICIENT FUNDS ARE AVAILABLE TO PROVIDE REQUESTED SERVICES.

9–1A–36.

(f) The Video Lottery Facility Location Commission may award not more than **[**five**]** **SIX** video lottery operation licenses to qualified applicants, through a competitive process consistent with the process for competitive sealed proposals under Title 13 of the State Finance and Procurement Article.

(h) (1) In order to qualify for a video lottery operation license under this section, a proposed video lottery facility shall be located in one of the following counties:

(i) a location in Anne Arundel County, within 2 miles of MD Route 295;

(ii) a location in Cecil County, within 2 miles of Interstate 95;

(iii) a location on State property associated with the Rocky Gap State Park in Allegany County;

(iv) a location in Worcester County, within 1 mile of the intersection of Route 50 and Route 589; **[**or**]**

(v) a location in Baltimore City that is:

1. located:

A. in a nonresidential area;

B. within one–half mile of Interstate 95;

C. within one–half mile of MD Route 295; and

D. on property that is owned by Baltimore City on the date on which the application for a video lottery operation license is submitted; and

2. not adjacent to or within one–quarter mile of property that is:

A. zoned for residential use; and

B. used for a residential dwelling on the date the application for a video lottery operation license is submitted**; OR**

(VI) A LOCATION IN PRINCE GEORGE'S COUNTY WITHIN ~~4 MILES~~ A 4–MILE RADIUS OF THE INTERSECTION OF BOCK ROAD AND ST. BARNABAS ROAD.

(i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Video Lottery Facility Location Commission may not allocate more than the following number of video lottery terminals for:

(i) a location in Anne Arundel County – 4,750 video lottery terminals;

(ii) a location in Baltimore City – 3,750 video lottery terminals;

(iii) a location in Cecil County – 2,500 video lottery terminals;

(IV) A LOCATION IN PRINCE GEORGE'S COUNTY – 3,000 VIDEO LOTTERY TERMINALS;

[(iv)**] (V)** a location in Rocky Gap State Park (Allegany County) –**[**1,000**] 1,500** video lottery terminals; and

[(v)**] (VI)** a location in Worcester County – 2,500 video lottery terminals.

(r) (1) Nothing in this subtitle may be construed to require the Video Lottery Facility Location Commission to award all **[**five**] SIX** video lottery operation licenses authorized under this subtitle.

(2) Notwithstanding any of the provisions of this subtitle, the Video Lottery Facility Location Commission may not award a video lottery operation license under this subtitle unless the Video Lottery Facility Location Commission determines and declares that an applicant selected for award of the license is in the public interest and is consistent with the purposes of this subtitle.

9–1A–37.

(C) (1) SUBJECT TO PARAGRAPHS (2) ~~AND (3)~~ *THROUGH (5)* OF THIS SUBSECTION, IF A VIDEO LOTTERY OPERATION LICENSE IS AWARDED TO A VIDEO LOTTERY FACILITY IN PRINCE GEORGE'S COUNTY, THE COMMISSION MAY INCREASE FOR A VIDEO LOTTERY FACILITY LOCATED IN ~~ANNE ARUNDEL COUNTY OR BALTIMORE CITY, BY NOT MORE THAN 5% OF THE PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY, THE PERCENTAGE UNDER § 9–1A–27(A)(8) OF THIS SUBTITLE.~~*:*

(I) ANNE ARUNDEL COUNTY, BY NOT MORE THAN 2% OF THE PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY, THE PERCENTAGE UNDER § 9–1A–27(A)(8) OF THIS SUBTITLE; AND

(II) BALTIMORE CITY, BY NOT MORE THAN 3% OF THE PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY, THE PERCENTAGE UNDER § 9–1A–27(A)(8) OF THIS SUBTITLE.

(2) IF THE COMMISSION INCREASES THE PERCENTAGE OF PROCEEDS FROM VIDEO LOTTERY TERMINALS FOR THE VIDEO LOTTERY FACILITY IN ANNE ARUNDEL COUNTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL INCREASE THE PERCENTAGE OF PROCEEDS FOR THE VIDEO LOTTERY FACILITY IN BALTIMORE CITY BY AT LEAST THE SAME PERCENTAGE POINT INCREASE AS FOR ANNE ARUNDEL COUNTY.

(3) (I) IF A VIDEO LOTTERY OPERATION LICENSE IS AWARDED TO A VIDEO LOTTERY FACILITY IN PRINCE GEORGE'S COUNTY, THE COMMISSION MAY INCREASE FOR A VIDEO LOTTERY FACILITY IN CECIL COUNTY, BY NOT MORE THAN 5% OF THE PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY, THE PERCENTAGE UNDER § 9–1A–27(A)(2) OF THIS SUBTITLE.

(II) ANY INCREASED DISTRIBUTION OF VIDEO LOTTERY TERMINAL PROCEEDS UNDER THIS PARAGRAPH FOR A VIDEO LOTTERY FACILITY IN CECIL COUNTY SHALL BE USED FOR:

1. MARKETING, ADVERTISING, AND PROMOTIONAL COSTS REQUIRED UNDER § 9–1A–23 OF THIS SUBTITLE; AND

2. CAPITAL IMPROVEMENTS AT THE VIDEO LOTTERY FACILITY.

~~(2)~~ *(4)* (I) ON OR BEFORE JANUARY 1, ~~2015~~ *2019*, THE COMMISSION SHALL DETERMINE ANY ADJUSTMENT AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE PERCENTAGE UNDER § 9–1A–27(A)(8) OF THIS SUBTITLE *OR UNDER PARAGRAPH (3) OF THIS SUBSECTION*.

(II) ANY ADJUSTMENT AUTHORIZED UNDER THIS SUBSECTION MAY NOT TAKE EFFECT:

1. UNTIL A VIDEO LOTTERY OPERATION LICENSE IS ISSUED TO A VIDEO LOTTERY FACILITY IN PRINCE GEORGE'S COUNTY; AND

2. ~~NO~~ EARLIER THAN JULY 1, ~~2016~~ *2019*.

~~(3)~~ *(5)* BEFORE THE COMMISSION MAY MAKE A DETERMINATION ON ANY ADJUSTMENT UNDER THIS SUBSECTION, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THIS ARTICLE, ON:

(I) THE IMPACT ON EXISTING FACILITIES FROM A VIDEO LOTTERY FACILITY LOCATED IN PRINCE GEORGE'S COUNTY;

(II) UNEXPECTED MONETARY GAINS TO LICENSEES FROM FACTORS INCLUDING THE DELAYED OPENING OF OTHER FACILITIES;

(III) THE MONETARY BENEFIT TO EXISTING LICENSEES FROM THE REMOVAL OF STATUTORY OR REGULATORY RESTRICTIONS ON VIDEO LOTTERY OPERATIONS;

(IV) INCREASED REVENUE TO LICENSEES FROM THE AUTHORIZATION OF TABLE GAMES;

(V) THE IMPACT OF ANY ADJUSTMENTS TO THE EDUCATION TRUST FUND;

(VI) THE TAX IMPLICATIONS, IF ANY, *AND COST* OF THE OWNERSHIP OF THE VIDEO LOTTERY TERMINALS BY VIDEO LOTTERY FACILITIES; AND

(VII) ANY OTHER FACTORS RELATED TO THE GAMING MARKET IN MARYLAND AND THE ABILITY OF THE STATE GAMING PROGRAM TO COMPETE WITH SURROUNDING STATES.

Article – Tax – Property

7–244.

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

(2) "Associated equipment" has the meaning stated in § 9–1A–01 of the State Government Article.

(3) "TABLE GAMES" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

***[**(3)**] (4)** "Video lottery operation license" has the meaning stated in § 9–1A–01 of the State Government Article.*

***[**(4)**] (5)** "Video lottery terminal" has the meaning stated in § 9–1A– 01 of the State Government Article.*

(b) Video lottery terminals and any associated equipment or software leased by the State Lottery and Gaming Control Commission as provided in § 9–1A–21 of the State Government Article are not subject to property tax.

(c) An interest of a person in video lottery terminals and any associated equipment or software owned by the State Lottery and Gaming Control Commission as provided in § 9–1A–21 of the State Government Article is not subject to property tax.

*(d) Video lottery terminals **[**and**]**, any associated equipment and software**, AND TABLE GAMES** owned or leased by a holder of a video lottery operation license are not subject to property tax.*

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

9–1A–27.

(a) Except as provided in subsections (b) and (c) of this section, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle; and

(ii) beginning April 1, 2015, 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed, except as provided in subsection (b) of this section, 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) **[**7%**] 6%** to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

(5) *(i)* *until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section; and*

(ii) *on or after the issuance of a video lottery operation license in Baltimore City,* ~~for the first 16 years of operations at a video lottery facility,~~ 1% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle, not to exceed a total of $20,000,000 to the Account annually;

(6) 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle;

(7) *(i)* *except as provided in item (ii) of this item,* 6% to the video lottery operation licensee if the video lottery operation licensee owns or leases each video lottery terminal device and the associated equipment and software; *and*

(ii) *8% to the video lottery operation licensee in Anne Arundel County;*

(8) beginning after the issuance of a video lottery operation license for a video lottery facility in Prince George's County, ~~5%~~ *8%* to the video lottery operation licensee in Anne Arundel County and *7% to the licensee in* Baltimore City for:

(i) marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

(ii) capital improvements at the video lottery facilities; and

(9) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(b) (1) Beginning July 1, 2013, for a video lottery facility in Worcester County with less than 1,000 video lottery terminals, the percentage in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility.

(2) (i) After 1 year of operations at a video lottery facility in Allegany County, the percentage in subsection (c)(1)(ii) of this section is equal to 50%, provided that each year an amount equivalent to 0.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility; or

(ii) after the first 10 years of operations at a video lottery facility in Allegany County, the percentage:

1. in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility; and

2. in subsection (a)(1) of this section is equal to 2%.

(3) For a video lottery facility in Prince George's County, the percentage in subsection (a)(2) of this section stated in the accepted application for the location may not exceed 38%.

(c) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9–1A–28 of this subtitle;

(v) 0.75% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsections (a) and (b) of this section.

[(d) *(1) Each video lottery operation licensee shall retain 80% of the proceeds of table games at the video lottery facility.*

(2) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay ~~80% of the proceeds of table games at each video lottery facility to the video lottery operation licensee and the remainder~~ **[***20% of the proceeds of table games of the video lottery facility* to the Education Trust Fund established under § 9–1A–30 of this subtitle.**]**

~~**(D) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE COMPTROLLER SHALL PAY**~~ **THE FOLLOWING AMOUNTS FROM THE PROCEEDS OF TABLE GAMES AT EACH VIDEO LOTTERY FACILITY:**

~~**(I) (1)**~~ ***(I)*** **5% TO THE LOCAL JURISDICTION IN WHICH THE VIDEO LOTTERY FACILITY IS LOCATED, PROVIDED THAT*:***

1. 50% OF **THE PROCEEDS PAID TO BALTIMORE CITY SHALL BE USED TO FUND SCHOOL CONSTRUCTION PROJECTS; *AND***

2. 50% OF THE PROCEEDS PAID TO BALTIMORE CITY SHALL BE USED TO FUND THE MAINTENANCE, OPERATION, AND CONSTRUCTION OF RECREATIONAL FACILITIES; AND

~~**(II) (2) 80% TO THE VIDEO LOTTERY OPERATION LICENSEE; AND**~~

~~**(III) (3)**~~ ***(II)*** ~~**THE REMAINDER**~~ ***15%*** **TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE.**

(e) (1) If the costs of the State Lottery and Gaming Control Agency are less than the proceeds specified in subsection (a)(1) of this section, any amount not distributed to the State Lottery and Gaming Control Agency shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) The costs of the Commission shall be as provided in the State budget.

(F) ON OR BEFORE DECEMBER 1, 2019, AND EVERY YEAR THEREAFTER, THE STATE LOTTERY AND GAMING CONTROL COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DISTRIBUTION OF PROCEEDS OF VIDEO LOTTERY TERMINALS TO LICENSEES FOR THE PROCUREMENT OF VIDEO LOTTERY TERMINALS; MARKETING, ADVERTISING, AND PROMOTIONAL COSTS; AND CAPITAL IMPROVEMENTS AND THE DISTRIBUTIONS OF LOCAL IMPACT GRANTS TO JURISDICTIONS UNDER § 9–1A–31 OF THIS SUBTITLE.

(G) BALTIMORE CITY SHALL REPORT TO THE BALTIMORE CITY SENATE AND HOUSE DELEGATIONS BY DECEMBER 31 OF EACH YEAR AS TO THE DISTRIBUTION AND USE OF THE FUNDS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION.

9–1A–31.

(a) (1) ~~The~~ *Except as provided in paragraph* ***[****(4)****] (7)*** *of this subsection, the* local impact grants provided under § 9–1A–27 of this subtitle shall be distributed **[**in the following manner:**] AS PROVIDED IN THIS SUBSECTION.**

(2) THE FOLLOWING AMOUNTS SHALL BE DISTRIBUTED TO THE FOLLOWING JURISDICTIONS:

(I) ALLEGANY COUNTY – $200,000;

(II) CECIL COUNTY – ~~$200,000~~ *$130,000*; ~~AND~~

(III) TOWN OF PERRYVILLE – $70,000; AND

~~(III)~~ *(IV)* WORCESTER COUNTY – $200,000.

(3) THE REMAINING FUNDS FOR LOCAL IMPACT GRANTS SHALL BE DISTRIBUTED IN THE FOLLOWING MANNER:

(i) 82% to the local jurisdictions with video lottery facilities, based on each jurisdiction's percentage of overall gross revenues from video lottery terminals; and

(ii) except as provided in paragraph **[**(2)**] (4)** of this subsection, for operations at a video lottery facility starting in fiscal year 2012 and ending in fiscal year 2032, 18% to Baltimore City with the Pimlico Community Development Authority

acting as the local development council in accordance with subsection (d) of this section, to be distributed primarily for capital projects benefiting economic and community development in the following manner:

1. at least 75% in a manner that is consistent with the Park Heights Master Plan; and

2. the remainder dedicated to the needs of:

A. any census blockgroup that Baltimore City identifies as being located partly or entirely within 1 mile of Pimlico Race Course but not within the boundaries of the Park Heights Master Plan; and

B. any neighborhood included in the Northwest Community Planning Forum Strategic Neighborhood Action Plan.

[(2)**] (4)** (i) Of the amount specified under paragraph **[**(1)(ii)**] (3)(II)** of this subsection, $1,000,000 shall be provided annually to Prince George's County to be used for ~~capital~~ *public safety* projects in the community within ~~10~~ *5* miles surrounding Rosecroft Raceway.

(ii) The Legislative Policy Committee shall report its findings and recommendations concerning the advisability of the continuation of the distribution of funds after fiscal year 2032 to the Comptroller and, in accordance with § 2–1246 of this article, the General Assembly, on or before November 1, 2030.

[(3)**] (5)** Baltimore City and Prince George's County shall report to the Legislative Policy Committee by December 31 of each year as to the distribution of the funds provided under this section.

(6) (I) THE DISTRIBUTION UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION TO ANNE ARUNDEL COUNTY, BALTIMORE CITY, AND PRINCE GEORGE'S COUNTY EQUALS THE SUM OF THE AMOUNTS TO BE DISTRIBUTED TO ANNE ARUNDEL COUNTY, BALTIMORE CITY, AND PRINCE GEORGE'S COUNTY DIVIDED BY THREE.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AMOUNT DISTRIBUTED TO ANNE ARUNDEL COUNTY AND BALTIMORE CITY UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION MAY NOT BE LESS THAN THE AMOUNT RECEIVED IN THE FISCAL YEAR BEFORE THE VIDEO LOTTERY OPERATION LICENSE FOR A VIDEO LOTTERY FACILITY IN PRINCE GEORGE'S COUNTY WAS ISSUED.

(7) Beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, 100% of the local impact grants provided under § 9–1A–27 of this subtitle from the proceeds of the video lottery facilities located in

Allegany, Cecil, and Worcester counties shall be distributed to the local jurisdictions in which those video lottery facilities are located.

(b) (1) Except as otherwise provided in ~~paragraph (2)~~ *paragraphs (2) and (3)* of this subsection ***AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION***, local impact grants provided under subsection **[**(a)(1)(i)**] (A)(3)(I)** of this section shall be used for improvements primarily in the communities in immediate proximity to the video lottery facilities and may be used for the following purposes:

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(2) In Allegany County, local impact grants provided under subsection **[**(a)(1)(i)**] (A)(3)(I)** of this section may be used:

(i) for purposes listed in paragraph (1) of this subsection throughout the county; and

(ii) to pay down the debt incurred by the county in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park.

*(3) In Baltimore City, local impact grants provided under subsection **[**(a)(1)(i)**] (A)(3)(I)** of this section shall be used for improvements in the communities in immediate proximity to the video lottery facility and may be used for the following purposes:*

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN PRINCE GEORGE'S COUNTY, 40% OF LOCAL IMPACT GRANTS PROVIDED UNDER THIS SECTION SHALL BE USED TO ADDRESS INFRASTRUCTURE NEEDS RELATED TO MARYLAND ROUTE 210 IN PRINCE GEORGE'S COUNTY.

(II) THE AMOUNT OF LOCAL IMPACT GRANTS USED AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED $15,000,000 IN A FISCAL YEAR.

(III) PRINCE GEORGE'S COUNTY MAY BE REIMBURSED BY THE STATE FOR ANY MONEY USED AS PROVIDED IN THIS PARAGRAPH.

~~**Article – Election Law**~~

~~13–237.~~

~~(a) (2) "Gaming activity" means video lottery OR TABLE GAMES authorized by this State under Title 9, Subtitle 1A of the State Government Article.~~

~~**(6) "TABLE GAMES" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.**~~

~~**[**(6)**] (7)** "Video lottery" has the meaning stated in § 9–1A–01 of the State Government Article.~~

~~**[**(7)**] (8)** "Video lottery terminal" " has the meaning stated in § 9–1A–01 of the State Government Article.~~

SECTION 4. AND BE IT FURTHER ENACTED, That, if a majority of the voters in Maryland voting on the question approve the question required under Section 6 of this Act, the State Lottery and Gaming Control Commission shall immediately begin the regulatory process for table games.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Video Lottery Facility Location Commission may not award a video lottery operation license for a video lottery facility in Prince George's County unless the question provided for in Section 6 of this Act is approved by a majority of the voters in Prince George's County voting on the question.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(1) In accordance with Article XIX, § 1(e) of the Maryland Constitution, before Section 2 of this Act which authorizes additional forms or

expansion of commercial gaming becomes effective, a question substantially similar to the following shall be submitted to a referendum of the qualified voters of the State at the general election to be held in November of 2012:

"Do you favor the expansion of commercial gaming in the State of Maryland for the primary purpose of raising revenue for education to authorize video lottery operation licensees to operate "table games" as defined by law; to increase from 15,000 to 16,500 the maximum number of video lottery terminals that may be operated in the State; and to increase from 5 to 6 the maximum number of video lottery operation licenses that may be awarded in the State and allow a video lottery facility to operate in Prince George's County?"

(2) The State Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the additional forms and expansion of commercial gaming", Section 2 of this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are "Against the additional forms and expansion of commercial gaming", Section 2 of this Act is of no effect and null and void.

SECTION 7. AND BE IT FURTHER ENACTED, That:

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

(2) "Ballot issue committee" has the meaning stated in § 1–101(f) of the Election Law Article.

(3) "Campaign finance report" has the meaning stated in § 1–101(i) of the Election Law Article.

(4) "Campaign finance statement" means an electronic filing statement submitted to the State Board of contributions, expenditures, and outstanding obligations.

(5) "State Board" has the meaning stated in § 1–101(rr) of the Election Law Article.

(b) This section applies to:

(1) a ballot issue committee formed to support or oppose the question relating to this Act;

(2) a person required to file an independent expenditure report under § 13–306 of the Election Law Article as a result of independent expenditures to support or oppose the question relating to this Act; and

(3) a person required to file an electioneering communications report under § 13–307 of the Election Law Article as a result of electioneering communications to support or oppose the question relating to this Act.

~~(c) (1) From the enactment of this Act through October 21, 2012 (the transactions end date for the campaign finance report due on the second Friday, October 26, 2012, immediately preceding the November 6, 2012 general election), a person subject to this section shall submit a campaign finance statement within 48 hours for any contribution of $10,000 or more that is received and any expenditure of $10,000 or more that is made or obligated to be made.~~

~~(2) From October 22, 2012 (the day following the transactions end date for the campaign finance report due on the second Friday, October 26, 2012, immediately preceding the November 6, 2012 general election) through November 9, 2012 (the first Friday after the November 6, 2012 general election), a person subject to this section shall submit a campaign finance statement within 48 hours for any contribution of $5,000 or more that is received and any expenditure of $5,000 or more that is made or obligated to be made.~~

(c) (1) This subsection applies from the enactment of this Act through October 21, 2012, (the transactions end date for the campaign finance report due on the second Friday, October 26, 2012, immediately preceding the November 6, 2012 general election).

(2) A person subject to this section shall submit a campaign finance statement within 48 hours after:

(i) receiving aggregate contributions of $10,000 or more from any single contributor subsequent to the enactment of this Act or subsequent to the closing date for the person's most recent campaign finance statement or campaign finance report; or

(ii) making aggregate expenditures or becoming obligated to make aggregate expenditures of $10,000 or more subsequent to the enactment of this Act or subsequent to the closing date for the person's most recent campaign finance statement or campaign finance report.

(3) A campaign finance statement submitted under this subsection shall include only:

(i) the identity of the contributor who made aggregate contributions of $10,000 or more and the total amount of contributions the contributor made subsequent to the enactment of this Act or subsequent to the closing date for the most recent campaign finance statement or campaign finance report; or

(ii) the total amount of aggregate expenditures of $10,000 or more made or obligated to be made subsequent to the enactment of this Act or

subsequent to the closing date for the most recent campaign finance statement or campaign finance report.

(d) (1) This subsection applies from October 22, 2012 (the day following the transactions end date for the campaign finance report due on the second Friday, October 26, 2012, immediately preceding the November 6, 2012 general election) through November 9, 2012, (the first Friday after the November 6, 2012 general election).

(2) A person subject to this section shall submit a campaign finance statement within 48 hours after:

(i) receiving aggregate contributions of $5,000 or more from any single contributor on or after October 22, 2012 or subsequent to the closing date for the person's most recent campaign finance statement; or

(ii) making aggregate expenditures or becoming obligated to make aggregate expenditures of $5,000 or more on or after October 22, 2012 or subsequent to the closing date for the person's most recent campaign finance statement.

(3) A campaign finance statement submitted under this subsection shall include only:

(i) the identity of the contributor who made aggregate contributions of $5,000 or more and the total amount of contributions the contributor made on or after October 22, 2012 or subsequent to the closing date for the most recent campaign finance statement; or

(ii) the total amount of aggregate expenditures of $5,000 or more made or obligated to be made on or after October 22, 2012 or subsequent to the closing date for the most recent campaign finance statement.

~~(d)~~ *(e)* The State Board shall:

(1) establish procedures and filing requirements as necessary to implement this Act; and

(2) post on its Web site any campaign finance statement filed with it under this section ~~within 24 hours~~ *on the next business day* after its receipt.

~~(e) (1) The State Board shall assess a late filing fee against any person required to file a campaign finance statement under subsection (c) of this section who fails to do so in a timely manner.~~

~~(2) The late filing fee is $500 for each day or part of a day that the campaign finance statement is overdue.~~

(f) (1) The State Prosecutor may assess a penalty against any person subject to this section who fails to file a campaign finance statement or campaign finance report in a timely manner.

(2) A penalty under this subsection shall equal the greater of:

(i) $1,000 for each day or part of a day that a campaign finance statement or campaign finance report is overdue; or

(ii) 10% of the amount of contributions or expenditures that were not reported in a timely manner.

(3) Except as otherwise provided in this subsection, a penalty under this subsection shall be assessed in accordance with § 13–604(b) through (f) of the Election Law Article.

SECTION 8. AND BE IT FURTHER ENACTED, That the terms of the current State Lottery Commission expire on October 1, 2012, and the terms of the initial members of the State Lottery and Gaming Control Commission shall expire as follows:

(1) one member in 2013;

(2) one member in 2014;

(3) one member in 2015;

(4) two members in 2016; and

(5) two members in 2017.

SECTION 8A. AND BE IT FURTHER ENACTED, That:

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

(2) "Own" has the meaning stated in § 9–1A–01 of the State Government Article.

(3) "Regulated lobbyist" has the meaning stated in § 15–701 of the State Government Article.

(4) "Video lottery facility" has the meaning stated in § 9–1A–01 of the State Government Article.

(5) "Video lottery operation license" has the meaning stated in § 9–1A–01 of the State Government Article.

(b) In addition to any report required under § 15–704 of the State Government Article, a regulated lobbyist that sought to influence executive or legislative action related to gaming issues in the General Assembly's Second Special Session of 2012 shall submit a report on or before September 17, 2012, to the State Ethics Commission on a form prepared by the Commission that details:

(1) all amounts expended for the purpose of influencing executive or legislative action in the special session and the nature of the expenditures by categories, as determined by the Commission;

(2) all amounts disbursed to any third–party groups or entities for purposes of influencing executive or legislative action in the special session and the dates of the disbursements; and

(3) any contributions, loans, transfers, in–kind contributions, or other transfers of value to ~~a campaign finance entity~~ the regulated lobbyist from an applicant for a video lottery operation license, a holder of a video lottery operation license, or a person who owns an interest in the operation of a video lottery facility during the prior 6 months, including the dates and amounts of the contributions, loans, transfers, in–kind contributions, or other transfers of value.

(c) A person who violates this section is subject to enforcement provisions set forth in Title 15, Subtitle 9 of the State Government Article.

~~SECTION 9. AND BE IT FURTHER ENACTED, That an applicant for a video lottery operation license in Prince George's County may request that the Video Lottery Facility Location Commission authorize a temporary table games facility on the award of a video lottery operation license.~~

SECTION 9. AND BE IT FURTHER ENACTED, That, on or before February 1, 2013, the holder of a license to hold a race meeting in the State that is eligible to receive funds from the Racetrack Facility Renewal Account under § 9–1A–29 of the State Government Article shall submit a preliminary capital improvement plan to the State Racing Commission and the Department of Budget and Management. The preliminary capital improvement plan shall include a description of the racing licensee's planned capital improvements, a preliminary project schedule, and an estimate of the funding to be requested from the Account. If the preliminary report is not submitted by the date required in this section, the racing licensee shall forfeit any right to funds in the Account and, notwithstanding any other provision of law, any unencumbered funds remaining in the Account that would otherwise be available to the racing licensee shall be paid to the Education Trust Fund established under § 9–1A–30 of the State Government Article. The racing licensee shall submit a formal funding request as provided under § 9–1A–29 of the State Government Article and regulations adopted by the State Racing Commission.

SECTION 9A. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that video lottery operation licensees partner with Maryland

institutions of higher education, such as Morgan State University and Prince George's Community College, to offer job training programs in the gaming and hospitality industries.

SECTION 10. AND BE IT FURTHER ENACTED, That, on or before December 1, 2022, the State Lottery and Gaming Control Commission shall report and make recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the tax structure and competitiveness of the Maryland gaming market.

SECTION 11. AND BE IT FURTHER ENACTED, That, on October 1, 2012, all the functions, powers, duties, equipment, assets, liabilities, and employees of the State Lottery Commission and State Lottery Agency under Title 9, Subtitles 1 and 1A of the State Government Article shall be transferred to the State Lottery and Gaming Control Commission and State Lottery and Gaming Control Agency.

SECTION 12. AND BE IT FURTHER ENACTED, That all appropriations held by the State Lottery Commission and State Lottery Agency to carry out the functions and programs transferred under this Act to the State Lottery and Gaming Control Commission and State Lottery and Gaming Control Agency shall be transferred to the State Lottery and Gaming Control Commission and State Lottery and Gaming Control Agency on October 1, 2012.

SECTION 13. AND BE IT FURTHER ENACTED, That an employee transferred under this Act shall be appointed without further examination or qualification. The employee shall be placed in a classification that is comparable in duties and responsibilities to the employee's former position. The employee may not suffer a diminution of salary or wages, accrued leave, whether earned or granted, or seniority rights.

SECTION 14. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute amended, repealed, or transferred under this Act, and validly entered into before October 1, 2012, and every right, duty, or interest flowing from the transaction, remains valid on or after October 1, 2012, and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 15. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, rules and regulations, proposed rules and regulations, standards and guidelines, policies, orders and other directives, forms, plans, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the State Lottery Commission and State Lottery Agency under Title 9, Subtitles 1 and 1A of the State Government Article prior to October 1, 2012, shall continue in effect under the State Lottery and Gaming Control Commission and State Lottery and Gaming Control Agency until completed, withdrawn, canceled, modified, or otherwise changed pursuant to law.

SECTION 16. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of the Second Special Session of 2012 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 17. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect contingent on the issuance of a video lottery operation license for a video lottery facility in Prince George's County by the State Lottery and Gaming Control Commission.

SECTION 18. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 6 of this Act and for the sole purpose of providing for the referendum required by Section 6 of this Act, this Act shall take effect August 15, 2012.

SECTION 19. AND BE IT FURTHER ENACTED, That the provisions of § 12–309 of the Courts Article, as amended by Section 1 of this Act, shall take effect August 15, 2012, and shall apply to any appeal pending as of that date.

SECTION 20. AND BE IT FURTHER ENACTED, That Sections 7 and 8A of this Act shall take effect on enactment of this Act.

SECTION ~~19.~~ ~~*20.*~~ *21.* AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, this Act shall take effect October 1, 2012.

Approved by the Governor, August 15, 2012.

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