

BY: Committee on Ways and Means

SUBSTITUTE AMENDMENTS TO HOUSE BILL NO. 1171

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Maryland" insert "The"; in lines 2, 4, and 5, in each instance, strike "Trustees" and substitute "Directors"; in line 3, strike the second "the" and substitute "The"; after line 5, insert "providing for the manner in which certain vacancies on the Board of Directors shall be filled;"; in line 6, strike the first "the" and substitute "The"; in lines 10, 11, 12, and 13, in each instance, strike "the School" and substitute "The Maryland School for the Blind"; in line 15, after "State;" insert "requiring the Governor to include certain details in the Budget;"; in the same line, strike the second "the" and substitute "The"; in line 16, after "appropriations;" insert "providing that The Maryland School for the Blind is a public body for certain purposes; requiring the Department of Education to submit certain reports to the budget committees;"; in line 17, strike the first "the" and substitute "The"; and in line 20, strike "8-317" and substitute "8-318".

On page 2, after line 1, insert:

"BY repealing and reenacting, with amendments,

Article - State Government

Section 10-502(h)

Annotated Code of Maryland

(1995 Replacement Volume and 1997 Supplement)".

AMENDMENT NO. 2

On page 2, in line 21, strike "TRUSTEES" and substitute "DIRECTORS"; and in line 25, after "BLIND" insert "“, A BODY CORPORATE OF THE STATE THE CHARTER OF WHICH WAS ESTABLISHED ON MAY 19, 1853,”".

AMENDMENT NO. 3

On page 2, in line 28, strike "(I)"; in line 29, strike "1." and substitute "(I)"; in the same

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line, strike "5" and substitute "SUBJECT TO CONFIRMATION BY THE SENATE OF MARYLAND, FIVE MEMBERS, INCLUDING ONE MEMBER OF THE SENATE OF MARYLAND AND ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES,"; in line 30, after "SUPERINTENDENT" insert ", WITH RECOMMENDATIONS FROM THE CHAIRMAN OF THE BOARD"; in line 31, strike "2." and substitute "(II)"; in the same line, after "20" insert "MEMBERS"; and strike beginning with "APPOINTED" in line 31 down through "PARAGRAPH" in line 33 and substitute "ELECTED ACCORDING TO THE CHARTER AND BYLAWS OF THE MARYLAND SCHOOL FOR THE BLIND".

On page 3, strike in their entirety lines 1 through 7, inclusive.

AMENDMENT NO. 4

On page 3, strike beginning with "AT" in line 9 down through "(III)" in line 11; in line 11, after "BOARD" insert "APPOINTED AFTER JUNE 1, 1999, EXCEPT THE CHAIRMAN,"; in line 12 strike "1" and substitute "TWO"; in the same line, strike "TERM" and substitute "TERMS"; in line 13, strike "(IV)" and substitute "(III)"; and in line 15, strike "(V)" and substitute "(IV)".

AMENDMENT NO. 5

On page 3, in line 25, strike "PAID TO THE SCHOOL AND BE PROVIDED JOINTLY" and substitute "SHARED"; strike beginning with "THE CHILD" in line 28 down through "BLIND." in line 30, and substitute:

"(I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND SCHOOL FOR THE BLIND, SHALL DETERMINE ON AN INDIVIDUAL BASIS THOSE STUDENTS WHO ARE ELIGIBLE FOR THE ENHANCED PROGRAM DESCRIBED IN THIS SECTION.

(II) STUDENTS SERVED IN THE ENHANCED PROGRAM SHALL BE STUDENTS WHO ARE AT RISK OF REQUIRING NONPUBLIC PLACEMENT IN AN OUT-OF-STATE SPECIAL EDUCATION FACILITY, INCLUDING STUDENTS WHO ARE BLIND/DEAF OR STUDENTS WITH OTHER SEVERE AND MULTIPLE DISABILITIES.

(III) FOR FISCAL YEAR 1999, THE NUMBER OF STUDENTS

ENROLLED IN THE ENHANCED PROGRAM SHALL NOT EXCEED 20 MARYLAND STUDENTS.”;

in line 31, after “(2)” insert “(I)”; after line 33, insert:

“(II) A COUNTY WHICH PAYS THE LOCAL SHARE OF THE “BASIC COST” AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL NOT PAY THE TUITION REQUIRED IN § 8-310 OF THIS TITLE.”;

and strike beginning with “THE STATE” in line 34 down through “CHILD” in line 35 and substitute:

“(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE STATE SHALL PAY THE COST OF SERVING A STUDENT IN THE ENHANCED PROGRAM BASED ON AN INDIVIDUAL COST SHEET COMPLETED BY THE DEPARTMENT FOR EACH STUDENT ENROLLED IN THE PROGRAM.

(II) FOR FISCAL YEAR 1999, THE STATE’S SHARE OF THE TOTAL COST OF THE ENHANCED PROGRAM SHALL NOT EXCEED \$750,000”.

AMENDMENT NO. 6

On page 5, after line 14, insert:

“(5) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, “PRIOR YEAR APPROPRIATION” MEANS THE STATE APPROPRIATION TO THE MARYLAND SCHOOL FOR THE BLIND IN THE PRIOR FISCAL YEAR LESS ANY FUNDING PROVIDED UNDER § 8-315 OF THIS SUBTITLE IN THE PRIOR FISCAL YEAR.”;

and in line 15, strike “(5)” and substitute “(6)”.

AMENDMENT NO. 7

On page 5, in line 21, after “(B)” insert “EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,”; strike beginning with “PRIOR” in line 31 down through “\$1,300,000” in line 32, and substitute “THE “PRIOR YEAR APPROPRIATION” USED TO CALCULATE THE

(Over)

FISCAL YEAR 2000 APPROPRIATION TO THE MARYLAND SCHOOL FOR THE BLIND SHALL BE \$11,585,436”.

AMENDMENT NO. 8

On page 5, after line 32, insert:

“8-318.

FOR INFORMATION PURPOSES, THE BUDGET SUBMITTED BY THE GOVERNOR TO THE GENERAL ASSEMBLY SHALL INCLUDE A DETAILED ACCOUNT OF THE OPERATING AND ADMINISTRATIVE BUDGET FOR THE MARYLAND SCHOOL FOR THE BLIND, WHICH SHALL INCLUDE A COMPLETE LIST OF REVENUE SOURCES AND EXPENDITURES FOR:

(1) SALARIES, WAGES, AND FRINGE BENEFITS;

(2) TECHNICAL AND SPECIAL FEES;

(3) COMMUNICATIONS;

(4) TRAVEL;

(5) CONTRACTUAL SERVICES;

(6) SUPPLIES AND MATERIALS;

(7) EQUIPMENT;

(8) FIXED CHARGES; AND

(9) OTHER EXPENSES.”.

AMENDMENT NO. 9

On page 6, after line 12, insert:

“Article - State Government

10-502.

(h) (1) “Public body” means an entity that:

(i) consists of at least 2 individuals; and

(ii) is created by:

1. the Maryland Constitution;

2. a State statute;

3. a county charter;

4. an ordinance;

5. a rule, resolution, or bylaw;

6. an executive order of the Governor; or

7. an executive order of the chief executive authority of a political
subdivision of the State.

(2) “Public body” includes:

(I) any multimember board, commission, or committee appointed by the
Governor or the chief executive authority of a political subdivision of the State, if the entity includes
in its membership at least 2 individuals not employed by the State or a political subdivision of the
State; AND

(II) THE MARYLAND SCHOOL FOR THE BLIND.

(Over)

(3) "Public body" does not include:

(i) any single member entity;

(ii) any judicial nominating commission;

(iii) any grand jury;

(iv) any petit jury;

(v) the Appalachian States Low Level Radioactive Waste Commission established in § 7-302 of the Environment Article;

(vi) except when a court is exercising rulemaking power, any court established in accordance with Article IV of the Maryland Constitution;

(vii) the Governor's cabinet, the Governor's Executive Council as provided in Title 8, Subtitle 1 of the State Government Article, or any committee of the Executive Council;

(viii) a local government's counterpart to the Governor's cabinet, Executive Council, or any committee of the counterpart of the Executive Council;

(ix) the governing body of a hospital as defined in § 19-301(f) of the Health - General Article; and

(x) a self-insurance pool that is established in accordance with Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment Article by:

1. a public entity, as defined in § 19-602 of the Insurance Article; or

2. a county or municipal corporation, as defined in § 9-404 of the Labor and Employment Article.”.

On page 6, in line 15, strike the first “the” and substitute “The”; strike beginning with “Any” in line 21 down through “Each” in line 24 and substitute “Subject to subsection (b) of this section, each”; and after line 26, insert:

“(b) The Governor and the Superintendent shall appoint any member of the Senate of Maryland or any member of the Maryland House of Delegates who serves on the Board of Directors on the effective date of this Act to fill any vacancy on the Board occurring after the effective date of this Act.”;

and in line 27, after “That” insert “the State Department of Education shall report to the budget committees, the House Ways and Means Committee, and the Senate Finance Committee on or before September 1 of each year on the number of students enrolled in the enhanced program described in § 8-315 of the Education Article and the annual costs of the program. In addition, the Department shall report on any anticipated enrollment growth and future costs related to the enhanced program.”

SECTION 5. AND BE IT FURTHER ENACTED, That”.