

SENATE BILL 508

Unofficial Copy
B1

2004 Regular Session
(4r1007)

ENROLLED BILL

-- Budget and Taxation/Ways and Means and Appropriations --

Introduced by **The President (By Request - Administration)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2004**

3 FOR the purpose of altering certain provisions relating to State aid to local
4 governments and State and local sharing of certain costs; ~~altering the~~
5 ~~administration of~~ *repealing* certain State programs; *codifying and altering*
6 certain requirements that the Governor include certain funds in the State
7 budget for certain purposes; altering certain grants and required
8 appropriations, *repealing* certain grants and required appropriations, and
9 altering certain requirements relating to certain grants and required
10 appropriations; *altering certain registration fees*; altering certain audit and
11 reporting requirements; altering the authorized uses of certain funds and
12 altering the required uses of certain funds; requiring the Governor to include
13 certain appropriations in the State budget under certain circumstances for
14 certain reimbursements to counties; requiring the Comptroller to withhold and
15 remit to the Administrative Office of the Courts certain income tax revenue
16 attributable to the county income tax under certain circumstances; *authorizing*
17 *certain annual grants to certain county boards of education, to the extent funds*

1 are provided in the State budget, to reflect certain regional differences in the cost
2 of education; repealing certain provisions relating to a certain adjustment to
3 certain State aid to local education; delaying certain distributions to certain
4 institutions of higher education; repealing certain requirements and altering
5 certain requirements relating to certain required studies, reports, and
6 evaluations; requiring certain recipients of certain grants to use certain funds
7 for certain purposes; repealing certain accounts and special funds and altering
8 certain accounts and special funds; requiring certain information regarding the
9 financing and operation of State government to be provided to certain
10 committees under certain circumstances and in certain reports under certain
11 circumstances; ~~prohibiting a member of the Board of Trustees for the State~~
12 ~~Retirement and Pension System from accepting political contributions from~~
13 ~~certain individuals; prohibiting certain individuals from engaging in certain~~
14 ~~political activities under certain circumstances; requiring the Governor to~~
15 ~~submit with the proposed budget each year certain bills necessary to submit a~~
16 ~~balanced budget; requiring the budget books for a fiscal year to include certain~~
17 ~~information relating to the Department of Transportation; clarifying the~~
18 ~~procedures and uses of amendments to the State budget; authorizing the~~
19 ~~expenditure of money from a special fund or the federal government that~~
20 ~~exceeds the estimate in the State budget under certain circumstances;~~
21 ~~authorizing the transfer of certain appropriations between certain units by~~
22 ~~budget amendment under certain circumstances; clarifying certain requirements~~
23 ~~for appropriations to the Revenue Stabilization Account; altering certain~~
24 ~~requirements relating to legislative review of certain transfers from certain~~
25 ~~special accounts or certain modifications to certain guidelines; requiring the~~
26 ~~Capital Debt Affordability Committee to review and consider certain debt issued~~
27 ~~by the Department of Transportation for certain purposes; repealing certain~~
28 ~~authorization to use the proceeds of bond sale premiums to fund the costs of~~
29 ~~other capital projects; altering a certain exemption from certain requirements~~
30 ~~relating to State procurements; requiring the Governor to include in the budget~~
31 ~~certain appropriations from the General Fund to the Transportation Trust Fund~~
32 ~~under certain circumstances; altering a certain requirement for the Governor to~~
33 ~~include in the budget certain appropriations to a certain account under certain~~
34 ~~circumstances; providing for certain legislative review of certain projects of the~~
35 ~~Maryland Transportation Authority; providing that the Maryland~~
36 ~~Transportation Authority may not issue bonds except under certain~~
37 ~~circumstances; limiting the date of maturity and the annual payments for~~
38 ~~principal of and interest on certain bonds issued by the Department of~~
39 ~~Transportation or the Maryland Transportation Authority; altering the~~
40 ~~distribution of certain revenues for certain years; providing that on or after a~~
41 ~~certain date the State may not spend any funds from any source for certain~~
42 ~~purposes; requiring the Motor Vehicle Administration to alter certain fees under~~
43 ~~certain circumstances; requiring the Governor to transfer to the General Fund~~
44 ~~certain amounts from certain special funds for certain fiscal years; requiring the~~
45 ~~reversion of certain funds in a certain year; altering certain fees relating to~~
46 ~~regulation of certain products and services; altering certain provisions relating~~
47 ~~to claims to certain abandoned property; altering the time that certain~~
48 ~~abandoned property is required to be paid or delivered to the Comptroller;~~

1 altering certain fees assessed for certain filings with the Department of
2 Assessments and Taxation; imposing certain fees for certain filings with the
3 Department; requiring the Department to adopt certain regulations; altering
4 certain fees for a certain certification; ~~repealing a certain limitation~~ altering
5 certain limitations on certain fees; authorizing the Secretary of Health and
6 Mental Hygiene to ~~establish~~ adopt regulations establishing certain fees for
7 certain purposes; authorizing the Secretary to waive all or part of certain fees;
8 authorizing the Director of the Alcohol and Drug Abuse Administration to adopt
9 regulations setting certain fees for certification of certain programs; authorizing
10 the Secretary of Health and Mental Hygiene to ~~alter~~ adopt regulations altering
11 certain fees; authorizing the Secretary to assess certain administrative charges
12 for certain fiscal years for a certain fiscal year for certain services provided to
13 certain commissions; altering the maximum total fees that may be assessed by
14 certain commissions for certain fiscal years for a certain fiscal year; altering
15 certain fees assessed by the Office of Administrative Hearings; limiting the
16 unified credit used for determining the Maryland estate tax to the applicable
17 credit amount corresponding to a certain applicable exclusion amount under the
18 federal estate tax; providing that the Maryland estate tax shall be determined
19 without regard to a certain deduction for State death taxes allowed for purposes
20 of the federal estate tax; requiring a person responsible for paying the
21 inheritance tax to file an estate tax return and pay the estate tax under certain
22 circumstances; imposing a certain income tax on certain individuals at a certain
23 rate; providing for the distribution of certain revenue; providing certain
24 modifications to federal adjusted gross income of an individual or federal
25 taxable income of a corporation for Maryland income tax purposes for certain
26 deductions for the cost of certain property treated as an expense for federal
27 income tax purposes; providing certain modifications to federal adjusted gross
28 income of an individual or federal taxable income of a corporation for Maryland
29 income tax purposes for certain depreciation deductions with respect to certain
30 vehicles; altering a certain credit relating to collecting and paying the sales and
31 use tax; ~~providing that a certain exemption under the sales and use tax for~~
32 ~~certain sales of food does not apply to certain snack food; repealing an exemption~~
33 ~~under the sales and use tax for certain snack food sold through vending~~
34 ~~machines; altering certain provisions relating to extension of the period for~~
35 ~~submitting certain personal property tax reports; specifying certain motor~~
36 ~~vehicle registration fees for certain rental vehicles; imposing a certain fee on~~
37 ~~certain facilities for certain individuals; authorizing the Department of Health~~
38 ~~and Mental Hygiene to adopt certain regulations; requiring that a certain~~
39 ~~closing balance be maintained in the Annuity Bond Fund for a certain fiscal~~
40 ~~year; requiring that certain revenues in excess of certain estimates be~~
41 ~~distributed to Baltimore City for certain purposes; requiring certain proceeds~~
42 ~~from the sales of certain assets to be deposited to the General Fund; authorizing~~
43 ~~the transfer of certain funds to be used for certain purposes; requiring the~~
44 ~~Governor to include in the budget bill for a certain fiscal year a certain general~~
45 ~~fund appropriation for a certain purpose; requiring the Governor to submit~~
46 ~~certain proposed legislation for consideration during a certain legislative session;~~
47 ~~repealing certain provisions of law relating to the development and~~
48 ~~implementation of a certain educational program for a certain facility; imposing~~

1 a certain assessment on certain nursing facilities operating in the State;
2 providing that ~~certain fees~~ a certain fee shall terminate and may not be assessed
3 under certain circumstances; requiring certain reports; ~~requiring the~~
4 Department of Health and Mental Hygiene to submit a certain request to the
5 federal Centers for Medicare and Medicaid Services; making the provisions of
6 this Act severable; providing for the effective dates and application of this Act;
7 and generally relating to the financing of State government.

8 BY repealing and reenacting, with amendments,
9 Article 41 - Governor - Executive and Administrative Departments
10 Section 4-403(a)(4) and (d) and ~~6-402(7)~~
11 Annotated Code of Maryland
12 (2003 Replacement Volume)

13 BY repealing and reenacting, without amendments,
14 Article 41 - Governor - Executive and Administrative Departments
15 Section 4-403(a)(5) and ~~(a)(8)~~ (8)
16 Annotated Code of Maryland
17 (2003 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article 70B - Department of Aging
20 Section 34(c)
21 Annotated Code of Maryland
22 (2003 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article 83A - Department of Business and Economic Development
25 Section 4-208 and 5-212(d)
26 Annotated Code of Maryland
27 (2003 Replacement Volume)

28 BY repealing and reenacting, with amendments,
29 Article 88A - Department of Human Resources
30 Section 3(a)(3)
31 Annotated Code of Maryland
32 (2003 Replacement Volume)

33 BY repealing and reenacting, with amendments,
34 Article - Business Regulation
35 Section 4.5-304(a) and 4.5-305(c)
36 Annotated Code of Maryland
37 (1998 Replacement Volume and 2003 Supplement)

1 BY repealing and reenacting, with amendments,

2 Article - Correctional Services

3 Section 3-507(b) and 9-404

4 Annotated Code of Maryland

5 (1999 Volume and 2003 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article - Courts and Judicial Proceedings

8 Section 2-512(c)

9 Annotated Code of Maryland

10 (2002 Replacement Volume and 2003 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article - Education

13 Section ~~5-205(e)~~, 5-202(f), 5-206(g), 8-415(d), 16-512(b), and 17-302(c)

14 Annotated Code of Maryland

15 (2001 Replacement Volume and 2003 Supplement)

16 BY adding to

17 Article - Environment

18 Section 6-844(e)

19 Annotated Code of Maryland

20 (1996 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article - Health - General

23 Section 10-406(c)(3), 10-409, 13-1004, 13-1015, and 15-139(c)(1)

24 Annotated Code of Maryland

25 (2000 Replacement Volume and 2003 Supplement)

26 BY adding to

27 Article - Health - General

28 Section 13-1107(e)

29 Annotated Code of Maryland

30 (2000 Replacement Volume and 2003 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article - Insurance

33 Section 6-103.1

34 Annotated Code of Maryland

35 (2003 Replacement Volume)

36 BY adding to

1 Article - Natural Resources
 2 Section 1-104(k)
 3 Annotated Code of Maryland
 4 (2000 Replacement Volume and 2003 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article - Natural Resources
 7 Section 8-709(d)
 8 Annotated Code of Maryland
 9 (2000 Replacement Volume and 2003 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article - Public Safety
 12 Section 8-202, 8-204, 8-205, and 8-209
 13 Annotated Code of Maryland
 14 (2003 Volume and 2003 Supplement)

15 ~~BY repealing and reenacting, with amendments,~~
 16 ~~Article - Public Utility Companies~~
 17 ~~Section 7-512.1(a)(2)~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(1998 Replacement Volume and 2003 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~
 21 ~~Article - State Personnel and Pensions~~
 22 ~~Section 21-205~~
 23 ~~Annotated Code of Maryland~~
 24 ~~(1997 Replacement Volume and 2003 Supplement)~~

25 BY adding to
 26 Article - State Finance and Procurement
 27 Section 7-106
 28 Annotated Code of Maryland
 29 (2001 Volume and 2003 Supplement)

30 BY repealing and reenacting, with amendments,
 31 Article - State Finance and Procurement
 32 Section 7-110(b), 7-208(c), 7-208.1(b), 7-209(c) and (e), 7-217, 7-310(d)(2) and
 33 (f), 7-311(a) and (j), 7-314(d), (g)(1), (i), (j), (l), (m), (o), and (p), 7-324(d),
 34 7-325(a), 8-112, and 8-125(e), and 11-203(a)(2)
 35 Annotated Code of Maryland
 36 (2001 Replacement Volume and 2003 Supplement)

37 BY repealing and reenacting, without amendments,

- 1 Article - State Finance and Procurement
2 Section 7-310(a), 7-311(e) and (f), 7-314(a)(1) and (2), and 7-324(a)
3 Annotated Code of Maryland
4 (2001 Replacement Volume and 2003 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article - Tax - General
7 Section 2-606(b)(1) and 2-614
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 2003 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article - Tax - Property
12 Section 13-209(c)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2003 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 2-103.1(c)(1), 4-205(c), 4-302(a), 4-306, 4-307(a), 6-201.2(a), and
18 7-402
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2003 Supplement)
- 21 BY adding to
22 Article - Transportation
23 Section 3-216(g), 3-601(d), and 4-320
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2003 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article - Transportation
28 Section 12-120(c) and 13-955
29 Annotated Code of Maryland
30 (2002 Replacement Volume and 2003 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Chapter 114 of the Acts of the General Assembly of 1994, as amended by Chapter
33 555 of the Acts of the General Assembly of 1996
34 Section 5(a)
- 35 BY repealing and reenacting, with amendments,
36 Chapter 17 of the Acts of the General Assembly of 2000
37 Section 9

1 BY repealing and reenacting, with amendments,
2 Chapter 440 of the Acts of the General Assembly of 2002, as amended by
3 Chapter 203 of the Acts of the General Assembly of 2003
4 Section 25

5 BY repealing and reenacting, with amendments,
6 Chapter 530 of the Acts of the General Assembly of 2002
7 Section 2

8 BY repealing and reenacting, with amendments,
9 Chapter 203 of the Acts of the General Assembly of 2003
10 Section 16

11 BY repealing and reenacting, with amendments,
12 Article - Agriculture
13 Section 5-207, 5-309, and 9-204
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Commercial Law
18 Section ~~17-311~~ 14-12B-02(b), 17-311, and 17-312
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Corporations and Associations
23 Section 1-203 and 11-506
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2003 Supplement)

26 ~~BY repealing and reenacting, with amendments,~~
27 ~~Article - Education~~
28 ~~Section 6-704(b)~~
29 ~~Annotated Code of Maryland~~
30 ~~(2001 Replacement Volume and 2003 Supplement)~~

31 BY repealing and reenacting, with amendments,
32 Article - Environment
33 Section 6-843 and 9-1307(c)
34 Annotated Code of Maryland
35 (1996 Replacement Volume and 2003 Supplement)

36 BY adding to

1 Article - Health - General
2 Section 2-104(n); and 7-517, and 19-1416
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2003 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Health - General
7 Section 8-204, 14-403(a)(3), 17-103, 17-204, 17-207, 17-506, 19-110,
8 19-111(c), 19-208, 19-213(c)(1) and (d)(8), 21-308, 21-309(d), 21-331(c),
9 21-336(c) and (d), 21-412, 21-808, 21-812, and 24-407
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 9-1604(b)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Tax - General
19 Section 7-309, 10-210.1, and 11-206
20 Section 7-309 and 10-210.1
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 2003 Supplement)

23 BY adding to
24 Article - Tax - General
25 Section 10-106.1
26 Annotated Code of Maryland
27 (1997 Replacement Volume and 2003 Supplement)

28 BY repealing and reenacting, without amendments,
29 Article - Tax - General
30 Section 10-108 and 10-310
31 Annotated Code of Maryland
32 (1997 Replacement Volume and 2003 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article - Tax - General
35 Section 11-105
36 Annotated Code of Maryland
37 (1997 Replacement Volume and 2003 Supplement)

1 (As enacted by Chapter 440 of the Acts of the General Assembly of 2002)

2 BY repealing and reenacting, with amendments,

3 Article - Tax - Property

4 Section 14-704

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2003 Supplement)

7 BY adding to

8 Article - Transportation

9 Section 13-939.1

10 Annotated Code of Maryland

11 (2002 Replacement Volume and 2003 Supplement)

12 BY repealing

13 Article 49D - Office for Children, Youth, and Families

14 Section 4.2

15 Annotated Code of Maryland

16 (2003 Replacement Volume)

17 BY repealing

18 Article 88A - Department of Human Resources

19 Section 90 through 95, inclusive, and the subheading "Maryland Individual

20 Development Accounts"

21 Annotated Code of Maryland

22 (2003 Replacement Volume)

23 BY repealing

24 Article - Education

25 Section 5-216

26 Annotated Code of Maryland

27 (2001 Replacement Volume and 2003 Supplement)

28 BY repealing

29 Article - Health - General

30 Section 24-810

31 Annotated Code of Maryland

32 (2000 Replacement Volume and 2003 Supplement)

33 BY repealing

34 Article - Public Safety

35 Section 8-206 and 8-207

36 Annotated Code of Maryland

1 (2003 Volume)

2 BY repealing

3 Chapter 177 of the Acts of the General Assembly of 1997

4 Section 2

5 BY repealing

6 Chapter 178 of the Acts of the General Assembly of 1997

7 Section 2

8 BY repealing

9 Chapter 53 of the Acts of the General Assembly of 2003

10 Section 3, 5, 11, 12, and 15

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

13 **Article 41 - Governor - Executive and Administrative Departments**

14 4-403.

15 (a) As used in this subtitle:

16 (4) "Adjusted assessed valuation of real property" means 100% of the
17 assessed valuation of the operating real property of public utilities, plus 40% of the
18 assessed valuation of all other real property FOR STATE PURPOSES, AS reported by
19 the State Department of Assessments and Taxation as of July 1 of the second fiscal
20 year preceding the fiscal year for which the calculation of State aid is to be made, plus
21 20% of new property assessed between July 1 and December 31 of the second
22 preceding fiscal year. "Real property" means all property classified as real property
23 under § 8-101(b) of the Tax - Property Article.

24 (5) "Net taxable income" shall be the taxable income of individuals under
25 Title 10 of the Tax - General Article, as certified by the Comptroller of the Treasury
26 for the third completed calendar year preceding the fiscal year for which the
27 calculation of State aid is to be made. Thus, State aid for the first year of this grant
28 shall be based on taxable income in calendar year 1965, and State aid in succeeding
29 years on taxable income in corresponding succeeding calendar years.

30 (8) "Wealth base" of a subdivision means the sum of the "adjusted
31 assessed valuation of real property" and "net taxable income".

32 (d) (1) (i) In this subsection the following words have the meanings
33 indicated.

34 (ii) "Crime assessment" means an amount obtained for each
35 subdivision or Baltimore City by multiplying the percent of total Part I Crimes in the
36 State that were committed in the subdivision or Baltimore City by [10 percent] 10%

1 of the costs for the crime laboratory of the State Police as provided in the State budget
2 for the fiscal year of the assessment.

3 (iii) "Part I Crimes" means the crimes reported by the State Police
4 as Part I Crimes in the annual uniform crime report for the SECOND COMPLETED
5 calendar year [that ended the fiscal year] preceding the fiscal year of the crime
6 assessment.

7 (iv) "Wealth assessment" means an amount obtained for each
8 subdivision or Baltimore City by multiplying the percent of the total wealth base of
9 the State that is attributable to the wealth base of the subdivision or Baltimore City
10 by [20 percent] 20% of the costs for the crime laboratory of the State Police as
11 provided in the State budget for the fiscal year of the assessment.

12 (2) For the fiscal year beginning July 1, 2004, and for each fiscal year
13 thereafter, the amount determined under subsection (b) of this section for each
14 subdivision or Baltimore City shall be reduced by the sum of the crime assessment
15 and the wealth assessment for the subdivision or Baltimore City.

16 ~~6-402.~~

17 ~~In this subtitle the following words have the meanings indicated:~~

18 (7) ~~"Weatherization" means the [systematic application of insulation~~
19 ~~materials to a structure to retard the loss of the heated or cooled air within that~~
20 ~~structure] IMPLEMENTATION OF AN ENERGY CONSERVATION PROJECT, AS DEFINED~~
21 ~~UNDER ARTICLE 83B, § 2-203(K) OF THE CODE.~~

22 **Article 70B - Department of Aging**

23 34.

24 (c) (1) The Fund shall consist of appropriations that are made to the Fund
25 in the State budget.

26 (2) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE
27 ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY AN APPROPRIATION
28 OF \$500,000 FOR THE FUND.

29 **Article 83A - Department of Business and Economic Development**

30 4-208.

31 (a) There is a Maryland Tourism Development Board Fund.

32 (b) The Fund is established to provide a continuing fund for the Board to fund
33 programs relating to the planning, advertising, promotion, assistance, and
34 development of the tourism industry in the State.

1 (c) The Fund is a special, continuous, nonlapsing fund that is not subject to §
2 7-302 of the State Finance and Procurement Article.

3 (d) The Treasurer shall invest and reinvest the Fund in the same manner as
4 other State funds and credit any investment earnings to the General Fund.

5 (e) The Fund consists of:

6 (1) Moneys appropriated in the State budget to the Fund; and

7 (2) All funds accepted by the Board in accordance with § 4-206 of this
8 subtitle.

9 (f) Expenditures from the Fund may be made only by the Board in accordance
10 with an appropriation.

11 (g) (1) In this subsection, "Governor's proposed General Fund
12 appropriation" means the General Fund appropriation included by the Governor in
13 the annual budget bill as submitted to the General Assembly, including any proposed
14 supplemental budget, before any amendment by the General Assembly.

15 (2) The Governor shall include in the annual budget bill a proposed
16 General Fund appropriation to the Fund in an amount not less than [:

17 (i) \$6,000,000, for fiscal year 2003;

18 (ii) \$6,000,000, for fiscal year 2004;

19 (iii) \$7,000,000, for fiscal year 2005 and fiscal year 2006,
20 respectively; and

21 (iv) \$8,500,000, for fiscal year 2007| \$6,000,000 FOR FISCAL YEAR
22 2006 and each fiscal year thereafter.

23 [(3) For each fiscal year, in addition to any appropriation for tourism
24 marketing from the Maryland Tourism Development Board Fund, the Governor shall
25 include in the annual budget bill submitted to the General Assembly a General Fund
26 appropriation for the Office of Tourism Development in an amount not less than the
27 amount of the Governor's proposed General Fund appropriation for the Office of
28 Tourism Development for fiscal year 2001.]

29 5-212.

30 (d) As soon as practical after the closing of the fiscal year, an audit shall be
31 made of the financial books, records, and accounts of the Corporation. THE AUDIT
32 SHALL INCLUDE REVENUE AND EXPENSE DETAIL FOR EACH OF THE CORPORATION'S
33 OPERATING FACILITIES. The audit shall be made by independent certified public
34 accountants, selected by the Corporation and licensed to practice in the State. The
35 accountants may not have a personal interest either directly or indirectly in the fiscal
36 affairs of the Corporation. They shall be experienced and qualified in the accounting

1 and auditing of public bodies. On or before November 1 following the end of each fiscal
 2 year, the accountants shall report the results of their examination, including their
 3 unqualified opinion on the presentation of the financial position of the various funds,
 4 INDIVIDUAL FINANCIAL DETAIL FOR EACH OF THE CORPORATION'S OPERATING
 5 FACILITIES, and the results of the Corporation's financial operations. If they are
 6 unable to express an unqualified opinion they shall state and explain in detail the
 7 reasons for their qualifications, disclaimer, or opinion including recommendations
 8 necessary to make possible future unqualified opinions.

9 **Article 88A - Department of Human Resources**

10 3.

11 (a) (3) (i) At least once every 2 years, the State Department shall conduct
 12 or contract for a financial and compliance audit of each local department of social
 13 services and shall prepare a written report of the audit findings.

14 (ii) The audit shall comply with the auditing standards issued by
 15 the Institute of Internal Auditors.

16 (III) THE WRITTEN REPORT OF AUDIT FINDINGS SHALL BE
 17 DISTRIBUTED, AS APPROPRIATE, TO:

18 1. THE LOCAL BOARD OR COMMISSION OF SOCIAL SERVICES
 19 IN EACH COUNTY AND BALTIMORE CITY;

20 2. THE COUNTY EXECUTIVE;

21 3. THE COUNTY COMMISSIONERS AND COUNTY COUNCILS;

22 4. THE MAYOR OF BALTIMORE CITY; AND

23 5. THE CITY COUNCIL OF BALTIMORE CITY.

24 **Article - Business Regulation**

25 4.5-304.

26 (a) The Unit shall register and issue a home builder registration number to an
 27 applicant that:

28 (1) meets the requirements of this title; and

29 (2) pays to the Division an initial 2-year registration fee of [~~\$600~~] \$300.

30 4.5-305.

31 (c) The Unit shall renew the registration of each registrant that:

32 (1) submits to the Unit a renewal application on the form provided by the
 33 Unit;

- 1 (2) would qualify for an initial registration;
- 2 (3) pays to the Division a renewal fee based on the number of building
- 3 permits for the construction of new homes issued to the registrant in the preceding
- 4 calendar year as follows:
- 5 (i) 10 or fewer new homes [\$300] \$150; and
- 6 (ii) 11 or more new homes [\$600] \$300; and
- 7 (4) is otherwise entitled to be registered.

Article - Correctional Services

9 3-507.

10 (b) (1) State Use Industries may establish a revolving fund to contain an

11 amount that the Treasurer approves.

12 (2) (I) ~~BEGINNING IN FISCAL YEAR 2006 FOR EACH OF FISCAL YEARS~~

13 2006 THROUGH 2009, THE FIRST \$2,000,000 \$1,000,000 IN THE REVOLVING FUND IN

14 EXCESS OF THE AMOUNT REQUIRED TO OPERATE STATE USE INDUSTRIES SHALL BE

15 TRANSFERRED TO A SPECIAL FUND TO BE USED BY THE STATE DEPARTMENT OF

16 EDUCATION FOR THE OPERATION OF EDUCATIONAL PROGRAMS IN CORRECTIONAL

17 INSTITUTIONS.

18 (II) MONEY FROM THE REVOLVING FUND SHALL SUPPLEMENT AND

19 MAY NOT SUPPLANT FUNDING FOR THE OPERATION OF EDUCATIONAL PROGRAMS IN

20 CORRECTIONAL INSTITUTIONS.

21 (3) The revolving fund may be used for general operating expenses and

22 the purchase of capital assets.

23 [(3)] (4) The revolving fund established under paragraph (1) of this

24 subsection is not subject to § 7-302 of the State Finance and Procurement Article.

25 [(4)] (5) State Use Industries shall submit an annual statement to the

26 Comptroller and the Treasurer that provides an accurate and detailed accounting of

27 all receipts and disbursements from the revolving fund.

28 9-404.

29 (a) On or before September 30, December 31, March 31, and June 30 of each

30 year, the Secretary shall certify to the Comptroller 25% of the amount estimated to be

31 the amount due to a county under this subtitle.

32 (b) In the September payment, the State shall compensate a county for a

33 discrepancy between the payments made and the actual required reimbursement for

34 the previous fiscal year.

1 (c) Within 5 days after the Comptroller receives a certification under this
 2 section from the Secretary, the Comptroller shall draw a warrant on the Treasurer for
 3 the amount due to a county.

4 (d) The Treasurer shall immediately pay the amount due to the county.

5 (E) IF THE SEPTEMBER PAYMENT UNDER SUBSECTION (B) OF THIS SECTION
 6 DOES NOT FULLY COMPENSATE A COUNTY FOR THE ACTUAL REQUIRED
 7 REIMBURSEMENT FOR THE PRIOR FISCAL YEAR, OR IF THE SEPTEMBER PAYMENT
 8 UNDER SUBSECTION (B) OF THIS SECTION TOTALS MORE THAN ONE-FOURTH THE
 9 TOTAL APPROPRIATION FOR THE PREVIOUS FISCAL YEAR, THE GOVERNOR SHALL:

10 (1) INCLUDE IN THE BUDGET BILL FOR THE NEXT FISCAL YEAR A
 11 DEFICIENCY APPROPRIATION TO PROVIDE THE ADDITIONAL FUNDS NEEDED TO
 12 FULLY REIMBURSE THE COUNTIES FOR THE PREVIOUS FISCAL YEAR; AND

13 (2) REVIEW THE EXPENDITURE TRENDS AND OTHER FACTORS
 14 AFFECTING THE REIMBURSEMENT PAYMENTS FOR THE 2 MOST RECENT FISCAL
 15 YEARS AND INCLUDE IN THE ANNUAL BUDGET FOR THE NEXT FISCAL YEAR AN
 16 APPROPRIATION SUFFICIENT TO COVER A GOOD FAITH ESTIMATE OF THE EXPECTED
 17 COSTS FOR THE NEXT YEAR.

18 **Article - Courts and Judicial Proceedings**

19 2-512.

20 (c) (1) Each county and Baltimore City shall reimburse the Administrative
 21 Office of the Courts for 25% of the salary and other expenses to employ one law clerk
 22 for each circuit court judge in the county or Baltimore City.

23 (2) The amounts received under this subsection shall be credited to a
 24 special fund, to be used only to provide funds to employ law clerks for each circuit
 25 court judge as provided in this section.

26 (3) NOTWITHSTANDING TITLE 2, SUBTITLE 6 OF THE TAX - GENERAL
 27 ARTICLE, IF THE ADMINISTRATIVE OFFICE OF THE COURTS CERTIFIES TO THE
 28 COMPTROLLER THAT A COUNTY OR BALTIMORE CITY IS MORE THAN 90 DAYS IN
 29 ARREARS IN PAYING THE AMOUNTS DUE UNDER THIS SUBSECTION, THE
 30 COMPTROLLER SHALL WITHHOLD FROM THE COUNTY INCOME TAX OTHERWISE DUE
 31 TO BE DISTRIBUTED TO THE COUNTY OR BALTIMORE CITY AND SHALL PAY TO THE
 32 ADMINISTRATIVE OFFICE OF THE COURTS THE AMOUNT DUE.

33 **Article - Education**

34 5-202.

35 (f) *[(1) For fiscal year 2004, the State share of the foundation program shall*
 36 *be adjusted to reflect regional differences in the cost of education that are due to factors*
 37 *outside the control of local jurisdictions, by increasing the State share of the*
 38 *foundation program otherwise determined for the following counties by:*

1 (i) 1% for Anne Arundel County;

2 (ii) 3% for Baltimore City;

3 (iii) 3% for Howard County; and

4 (iv) 4% for Montgomery County.

5 (2) For fiscal year 2005 and each fiscal year thereafter, the State share of
6 the foundation program shall be adjusted to reflect regional differences in the cost of
7 education that are due to factors outside the control of local jurisdictions.

8 (3) The Department shall contract with a private entity to conduct a study
9 to:

10 (i) Develop a Maryland specific geographic cost of education index
11 to be implemented no later than fiscal year 2005; and

12 (ii) Provide recommendations as to how the index should be used to
13 adjust State education funding.]

14 (1) IN THIS SUBSECTION, "GCEI ADJUSTMENT" MEANS THE
15 FOUNDATION PROGRAM FOR EACH COUNTY MULTIPLIED BY:

16 (I) 0.000 IN ALLEGANY;

17 (II) 0.018 IN ANNE ARUNDEL;

18 (III) 0.042 IN BALTIMORE CITY;

19 (IV) 0.008 IN BALTIMORE;

20 (V) 0.021 IN CALVERT;

21 (VI) 0.000 IN CAROLINE;

22 (VII) 0.014 IN CARROLL;

23 (VIII) 0.000 IN CECIL;

24 (IX) 0.020 IN CHARLES;

25 (X) 0.000 IN DORCHESTER;

26 (XI) 0.024 IN FREDERICK;

27 (XII) 0.000 IN GARRETT;

28 (XIII) 0.000 IN HARFORD;

29 (XIV) 0.015 IN HOWARD;

- 1 (XV) 0.010 IN KENT;
- 2 (XVI) 0.034 IN MONTGOMERY;
- 3 (XVII) 0.048 IN PRINCE GEORGE'S;
- 4 (XVIII) 0.011 IN QUEEN ANNE'S;
- 5 (XIX) 0.002 IN ST. MARY'S;
- 6 (XX) 0.000 IN SOMERSET;
- 7 (XXI) 0.000 IN TALBOT;
- 8 (XXII) 0.000 IN WASHINGTON;
- 9 (XXIII) 0.000 IN WICOMICO; AND
- 10 (XXIV) 0.000 IN WORCESTER.

11 (2) TO THE EXTENT FUNDS ARE PROVIDED IN THE STATE BUDGET FOR
12 THE GRANTS UNDER THIS SUBSECTION, IN ADDITION TO THE STATE SHARE OF THE
13 FOUNDATION PROGRAM, EACH COUNTY BOARD MAY RECEIVE A GRANT TO REFLECT
14 REGIONAL DIFFERENCES IN THE COST OF EDUCATION THAT ARE DUE TO FACTORS
15 OUTSIDE OF THE CONTROL OF THE LOCAL JURISDICTION.

16 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE AMOUNT OF
17 THE GRANT TO EACH COUNTY BOARD UNDER THIS SUBSECTION SHALL EQUAL THE
18 GCEI ADJUSTMENT FOR THE COUNTY BOARD MULTIPLIED TIMES:

- 19 (I) 0.50 IN FISCAL YEAR 2006;
- 20 (II) 0.62 IN FISCAL YEAR 2007;
- 21 (III) 0.74 IN FISCAL YEAR 2008;
- 22 (IV) 0.86 IN FISCAL YEAR 2009; AND
- 23 (V) 1.00 IN FISCAL YEAR 2010 AND EACH FISCAL YEAR
24 THEREAFTER.

25 (4) FOR ANY FISCAL YEAR, IF SUFFICIENT FUNDS ARE NOT PROVIDED IN
26 THE STATE BUDGET TO FULLY FUND THE GRANTS PROVIDED UNDER THIS
27 SUBSECTION, THE GRANT TO EACH COUNTY BOARD UNDER THIS SUBSECTION
28 SHALL EQUAL THE AMOUNT DETERMINED UNDER PARAGRAPH (3) OF THIS
29 SUBSECTION MULTIPLIED BY A FRACTION:

- 30 (I) THE NUMERATOR OF WHICH IS THE AMOUNT PROVIDED IN THE
31 STATE BUDGET TO FUND THE GRANTS; AND

1 (II) THE DENOMINATOR OF WHICH IS THE SUM OF THE AMOUNTS
 2 CALCULATED UNDER PARAGRAPH (3) OF THIS SUBSECTION FOR ALL THE COUNTY
 3 BOARDS.

4 5-205.

5 (e) (1) In this subsection, "full-time equivalent enrollment" has the
 6 meaning stated in § 5-202 of this subtitle.

7 (2) Subject to the limitations under paragraph (3) of this subsection, for
 8 fiscal year 2004 and every year thereafter the amount of a county's base grant for
 9 student transportation shall be equal to the amount of the county's base grant for
 10 student transportation for the previous year increased by the same percentage as the
 11 increase in the private transportation category of the Consumer Price Index for all
 12 urban consumers, for the Washington-Baltimore metropolitan area, as of July of the
 13 fiscal year preceding the year for which the amount is being calculated, plus an
 14 additional amount equal to the product of:

15 (i) The total amount of funds distributed by the State as base
 16 grants for student transportation for the previous fiscal year divided by the statewide
 17 full-time equivalent enrollment for the previous fiscal year; and

18 (ii) The difference between the full-time equivalent enrollment in a
 19 county for the current fiscal year and the full-time equivalent enrollment in the
 20 county for the previous fiscal year, or, if the full-time equivalent enrollment in a
 21 county for the current fiscal year is less than the full-time equivalent enrollment in
 22 the county for the previous fiscal year, zero.

23 (3) The increase in the amount of a base grant for student transportation
 24 that is based on the increase in the private transportation category of the Consumer
 25 Price Index may not be less than [3] 1 percent nor more than 8 percent of the amount
 26 of the grant for the previous year.

27 5-206.

28 (g) (1) In each of fiscal years [2004 through] 2006 AND 2007, the State shall
 29 distribute a grant to each county board that is equal to the amount received by the
 30 county board in fiscal year 2002 for the extended elementary education program.

31 (2) IN FISCAL YEAR 2005, THE STATE SHALL DISTRIBUTE A GRANT TO
 32 EACH COUNTY BOARD THAT IS EQUAL TO 87.5% OF THE AMOUNT RECEIVED BY THE
 33 COUNTY BOARD IN FISCAL YEAR 2002 FOR THE EXTENDED ELEMENTARY EDUCATION
 34 PROGRAM.

35 8-415.

36 (d) (1) In this subsection, "basic cost" as to each county, means the average
 37 amount spent by the county from county, State, and federal sources for the public
 38 education of a nonhandicapped child. "Basic cost" does not include amounts

1 specifically allocated and spent for identifiable compensatory programs for
 2 disadvantaged children.

3 (2) As provided in paragraphs (3) and (4) of this subsection, the State
 4 and the counties shall share collectively in the cost of educating children with
 5 disabilities in nonpublic programs under § 8-406 of this subtitle OR IN A REGIONAL
 6 INSTITUTE FOR CHILDREN AND ADOLESCENTS OPERATED BY THE MENTAL HYGIENE
 7 ADMINISTRATION UNDER § 10-406 OF THE HEALTH - GENERAL ARTICLE.

8 (3) (i) Subject to the limitation under subparagraph (ii) of this
 9 paragraph, for each of these children domiciled in the county, the county shall
 10 contribute for each placement the sum of:

11 1. The local share of the basic cost;

12 2. An additional amount equal to 200 percent of the basic
 13 cost; and

14 3. A. FOR FISCAL YEAR 2005 ONLY, AN ADDITIONAL
 15 AMOUNT EQUAL TO 25 PERCENT OF THE APPROVED COST OR REIMBURSEMENT IN
 16 EXCESS OF THE SUM OF ITEMS 1 AND 2 OF THIS SUBPARAGRAPH; AND

17 ~~3.~~ B. ~~AN~~ FOR FISCAL YEAR 2006 AND EACH SUBSEQUENT
 18 FISCAL YEAR, AN additional amount equal to ~~+20~~ 25 percent of the approved cost or
 19 reimbursement in excess of the sum of items 1 and 2 of this subparagraph.

20 (ii) The amount that a county is required to contribute under
 21 subparagraph (i) of this paragraph may not exceed the total cost or reimbursement
 22 amount approved by the Department.

23 (4) For each of these children, the State shall contribute an amount
 24 equal to the amount of the approved cost or reimbursement in excess of the amount
 25 the county is required to contribute under paragraph (3) of this subsection.

26 16-512.

27 (b) Notwithstanding subsection (a) of this section, the State appropriation to
 28 Baltimore City Community College requested by the Governor may not be less than
 29 the State appropriation to the College [requested by the Governor] in the previous
 30 fiscal year.

31 17-302.

32 (c) Payments shall be made by the State:

33 (1) Only with respect to pledged amounts that are paid by the eligible
 34 private donor to:

35 (i) Bowie State University, Coppin State College, Morgan State
 36 University, and University of Maryland Eastern Shore before January 1, 2006; and

1 (ii) All other eligible institutions before July 1, 2004; and

2 (2) (i) To Bowie State University, Coppin State College, Morgan State
3 University, and the University of Maryland Eastern Shore, in the fiscal year following
4 the fiscal year during which the amounts are paid by eligible private donors; and

5 (ii) To all other eligible institutions, in equal installments in fiscal
6 years [2005,] 2006, 2007, [and 2008] 2008, AND 2009.

7 **Article - Environment**

8 6-844.

9 (E) FOR EACH FISCAL YEAR, AT LEAST \$750,000 OF THE MONEYS IN THE FUND
10 SHALL BE USED ONLY FOR ANY OF THE FOLLOWING PURPOSES:

11 (1) COMMUNITY OUTREACH AND EDUCATION PROGRAMS UNDER § 6-848
12 OF THIS SUBTITLE; AND

13 (2) ENFORCEMENT EFFORTS UNDER THIS SUBTITLE.

14 **Article - Health - General**

15 10-406.

16 (c) (3) The Department shall provide residential and day treatment
17 programs for children and adolescents from Prince George's County.

18 (i) The Department shall offer to contract the education program
19 to the local educational agency. [The costs of the contract shall be determined by
20 using the same per pupil costs as is used in the contract of these services at the
21 Regional Institute in Montgomery County.]

22 (ii) If the local educational agency declines to contract, the
23 Department may operate an education program directly or contract with another
24 qualified provider.

25 10-409.

26 (a) [(1) The Department of Legislative Services shall prepare an estimate of
27 the cost of laundry services at the Eastern Shore Hospital Center.

28 (2) The estimate shall include transportation costs, but not the cost of a
29 driver.

30 (b)] The administrative head of the Eastern Shore Hospital Center shall:

31 (1) Advertise for and receive bids for a contract to provide [the] laundry
32 services; and

1 (2) [If any bids are under the cost estimate, contract] CONTRACT for the
2 services with the low bidder unless the administrative head finds that the bidder
3 would not fulfill the contract satisfactorily.

4 13-1004.

5 (a) Beginning in fiscal year [2005] 2006 and in every second year thereafter,
6 the Department shall conduct a Tobacco Study which shall measure the same factors
7 that are set forth in § 13-1003(c) of this subtitle and use the same methodology or
8 model that was used for the Baseline Tobacco Study.

9 (b) To carry out the evaluation and surveillance functions of this subtitle, the
10 Department may conduct any other tobacco study measuring the factors set forth in §
11 13-1003(c) of this subtitle and using a methodology or model that is consistent with
12 but need not be identical to that used to conduct the Baseline Tobacco Study.

13 (c) (1) Subject to paragraphs (2) through (4) of this subsection, the
14 Department shall contract with a higher education institution or private entity to
15 conduct the Biennial Tobacco Study.

16 (2) The Department shall issue a request for proposal to select the entity
17 that will conduct the Biennial Tobacco Study.

18 (3) The Department may contract with an entity to conduct one or more
19 biennial tobacco studies.

20 (4) The Department shall use the criteria established in § 13-1003(e)(5)
21 of this subtitle as a guide in administering the request for proposal process.

22 (d) On or before September 1 of each [even numbered] ODD-NUMBERED
23 fiscal year, beginning in fiscal year [2006] 2007, the Department shall submit a
24 report to the Governor and, subject to § 2-1246 of the State Government Article, the
25 General Assembly on the results of the Biennial Tobacco Study.

26 13-1015.

27 (A) For fiscal year [2005] 2006 and each fiscal year thereafter, the Governor
28 shall include at least \$21,000,000 in the annual budget in appropriations for activities
29 aimed at reducing tobacco use in Maryland as recommended by the Centers for
30 Disease Control and Prevention, including:

31 (1) Media campaigns aimed at reducing smoking initiation and
32 encouraging smokers to quit smoking;

33 (2) Media campaigns educating the public about the dangers of
34 secondhand smoke exposure;

35 (3) Enforcement of existing laws banning the sale or distribution of
36 tobacco products to minors;

1 (4) Promotion and implementation of smoking cessation programs; and

2 (5) Implementation of school-based tobacco education programs.

3 (B) FOR FISCAL YEAR 2005, THE GOVERNOR SHALL INCLUDE AT LEAST
4 \$12,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE PURPOSES
5 DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

6 13-1107.

7 (E) A COUNTY OR STATEWIDE ACADEMIC HEALTH CENTER THAT RECEIVES
8 FUNDS UNDER A LOCAL PUBLIC HEALTH CANCER GRANT SHALL DEDICATE AT LEAST
9 60% OF THE FUNDS TO CANCER SCREENING, DIAGNOSIS, AND TREATMENT.

10 15-139.

11 (c) (1) For fiscal year 2004 and each subsequent fiscal year, the Governor
12 shall provide funds in the budget for the Subcabinet [for the Children, Youth, and
13 Families Resource] Fund established under Article 49D of the Code in an amount
14 equal to:

15 (i) The amount of federal funds received under subsection (a) of
16 this section during the most recently completed fiscal year;

17 (ii) Less any administrative costs incurred by the Department, the
18 Department of Juvenile Services, and the Department of Human Resources in
19 implementing the programs required under this section; and

20 (iii) Subject to adjustment in accordance with subsection (e) of this
21 section.

22 **Article - Insurance**

23 6-103.1.

24 *Notwithstanding § 2-114 of this article, beginning January 15, [2002] 2006,*
25 *from the tax imposed on the health insurers under this subtitle, [\$1,000,000]*
26 *\$500,000 shall be distributed annually to the Spinal Cord Injury Research Trust Fund*
27 *created under § 13-1406 of the Health - General Article.*

28 **Article - Natural Resources**

29 1-104.

30 (K) AT LEAST 45 DAYS BEFORE THE DEPARTMENT SEEKS APPROVAL BY THE
31 BOARD OF PUBLIC WORKS OF THE PURCHASE OF ANY INTEREST IN LAND FOR WHICH
32 THE STATE CONTRIBUTION TO THE PURCHASE EXCEEDS \$2,000,000, THE SECRETARY
33 SHALL PROVIDE THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE
34 APPROPRIATIONS COMMITTEE WITH:

1 (1) A DESCRIPTION OF THE PROPOSED PURCHASE;

2 (2) A DESCRIPTION OF THE INTEREST THE DEPARTMENT WILL HOLD IN
3 THE PROPERTY; AND

4 (3) A LISTING OF THE PROPOSED SOURCES OF MONEY TO BE USED FOR
5 THE PURCHASE.

6 8-709.

7 (d) Notwithstanding the provisions of subsection (a) of this section [, for]:

8 (1) FOR each of fiscal years 2003 [and 2004] THROUGH 2005, as provided
9 in the State budget, the Department may use the moneys in the Waterway
10 Improvement Fund for administrative expenses directly relating to implementing the
11 purposes of the Waterway Improvement Fund; AND

12 (2) FOR FISCAL YEAR 2006 ~~AND EACH FISCAL YEAR THEREAFTER~~
13 THROUGH FISCAL YEAR 2009, AS PROVIDED IN THE STATE BUDGET, THE
14 DEPARTMENT MAY USE UP TO 5% ~~THE FOLLOWING PERCENTAGE OF THE MONEYS IN~~
15 THE WATERWAY IMPROVEMENT FUND FOR ADMINISTRATIVE EXPENSES DIRECTLY
16 RELATING TO IMPLEMENTING THE PURPOSES OF THE WATERWAY IMPROVEMENT
17 FUND:

18 (I) IN FISCAL YEAR 2006, 8%;

19 (II) IN FISCAL YEAR 2007, 6%;

20 (III) IN FISCAL YEAR 2008, 4%; AND

21 (IV) IN FISCAL YEAR 2009, 2%; AND

22 (3) FOR FISCAL YEARS AFTER FISCAL YEAR 2009, THE DEPARTMENT
23 MAY NOT USE THE MONEYS IN THE WATERWAY IMPROVEMENT FUND FOR
24 ADMINISTRATIVE EXPENSES.

25 **Article - Public S<lite>afety**

26 8-202.

27 (a) There is a Volunteer Company Assistance Fund.

28 [(b) The Fund is composed of:

29 (1) the Emergency Assistance Trust Account; and

30 (2) the Low Interest Revolving Loan Account.]

31 [(c) (B) (1) The Fund is a special, nonlapsing fund that is not subject to §
32 7-302 of the State Finance and Procurement Article.

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

3 (C) AFTER CONSULTATION WITH THE ASSOCIATION, THE GOVERNOR MAY
4 INCLUDE IN THE STATE BUDGET EACH YEAR AN APPROPRIATION TO THE FUND.

5 (d) (1) Any investment earnings of the Fund shall be credited to the Fund.

6 (2) Repayments on loans from the [Emergency Assistance Trust Account
7 or the Low Interest Revolving Loan Account] FUND shall be placed in the [respective
8 account] FUND and made available to fund GRANT OR LOAN requests [for money].

9 (e) ~~With the approval of the Board of Public Works, the Department shall~~
10 ~~adopt regulations to administer the Fund.~~

11 ~~(F)~~ FOR THE PURPOSE OF MAKING LOANS UNDER THIS SUBTITLE, THE
12 ASSOCIATION SHALL:

13 (1) DEVELOP LOAN CRITERIA;

14 (2) DEVELOP LOAN TERMS, INCLUDING INTEREST RATES; AND

15 (3) RECOMMEND TO THE BOARD OF PUBLIC WORKS THE APPROVAL OR
16 DENIAL OF LOANS.

17 8-204.

18 (a) In this section, "Account" means the Emergency Assistance Trust Account.

19 (b) There is an Emergency Assistance Trust Account.

20 (c) (A) The purpose of the [Account] FUND is to ensure adequate fire
21 protection and rescue services in the State.

22 [(d) After consultation with the Association, the Governor may include in the
23 State budget each year an amount for the purposes set forth in subsection (e) of this
24 section.

25 (e) (B) A grant or loan awarded under this section shall be used only for
26 PURCHASING, REPLACING, OR IMPROVING:

27 (1) equipment, including elevated equipment, pumpers, tankers, ladder
28 trucks, ambulances, rescue vehicles, or other large equipment used for fire fighting
29 and emergency services;

30 (2) communications equipment;

31 (3) protective equipment, including helmets, turnout coats and pants,
32 boots, eyeshields, gloves, and self-contained respiratory protection units;

1 (4) any other equipment necessary to carry out the ordinary functions of
2 supporting fire fighting and rescue activities; or

3 (5) facilities used to house fire fighting equipment, ambulances, and
4 rescue vehicles.

5 [(f)] (C) (1) (i) A volunteer company receiving money from the [Account]
6 FUND shall provide at least a 30% match of the amount of the grant or loan.

7 (ii) If a volunteer company cannot reasonably provide the required
8 match before the money is disbursed, the Board of Public Works may waive the
9 requirement or may allow repayment of the match within a reasonable time not
10 exceeding 18 months after the purchase, REPLACEMENT, OR IMPROVEMENT of the
11 equipment or facilities.

12 (2) (i) Money to provide the required match may include contributions
13 from local government.

14 (ii) A local government may not reduce the amount of money that
15 the volunteer company would otherwise be entitled to receive from the local
16 government because of State money provided under this section.

17 [(g)] (D) After a favorable recommendation from the Department, the Board
18 of Public Works may award a grant, loan, or both from the [Account] FUND to a
19 volunteer company if:

20 (1) (i) an act of God or other unforeseen event substantially impairs
21 the ability of the volunteer company to provide adequate and safe service; or

22 (ii) the volunteer company is unable to maintain the minimum
23 level of performance for adequate and safe service established by standards of the
24 Association because of a demonstrated lack of financial resources; and

25 (2) the Department and the volunteer company have executed an
26 agreement that:

27 (i) provides that money will be used as represented to the Board of
28 Public Works in the request for approval; and

29 (ii) gives to the State security in the equipment or facilities
30 purchased with the money and in the proceeds of that equipment or those facilities as
31 determined by the Board of Public Works to be appropriate and adequate.

32 [(h)] (E) A grant or loan awarded under this section may not:

33 (1) be used to refinance a debt or other obligation of a volunteer company
34 incurred before July 1, 1982; or

35 (2) be spent to replace or repair eligible items to the extent that
36 insurance proceeds are available for those purposes.

1 [(i)] (F) The Board of Public Works may not approve a grant or loan from the
2 [Account] FUND to a volunteer company if the volunteer company has not made a
3 good faith effort to obtain money from its local government.

4 8-205.

5 (a) (1) A volunteer company shall submit each request for money from the
6 [Emergency Assistance Trust Account] FUND to the Association for approval by a
7 board of review in accordance with the Association's bylaws.

8 (2) Each request for money shall include:

9 (i) financial statements for the 2 fiscal years immediately
10 preceding the fiscal year in which the request is made; [and]

11 (ii) any available audit of the financial statements; AND

12 (III) A DETAILED EXPLANATION OF THE REASONS FOR THE
13 REQUEST.

14 (3) For each request for money from the [Emergency Assistance Trust
15 Account] FUND, the volunteer company shall certify that the volunteer company
16 applied for money from its local government and was denied, either wholly or partly.

17 (b) (1) If the Association disapproves a request or does not take action
18 within 45 days after the request, the volunteer company requesting money may
19 appeal to a panel composed of the president of the Association, the State Fire
20 Marshal, and the chairman of the Fire and Rescue Education and Training
21 Commission.

22 (2) The decision of the panel is final and is not subject to further review.

23 (c) On approval of a request for money, the Association or the panel shall
24 transmit its recommendation to the Department with the request for money and any
25 other supporting information required by the Department.

26 (d) (1) The Department shall forward each request for money from the
27 [Emergency Assistance Trust Account] FUND to the Department of Legislative
28 Services for review.

29 (2) On review of the financial statements, the Department of Legislative
30 Services may advise the Department if the request for money appears justified.

31 (e) The Board of Public Works may authorize the use of money from the
32 [Emergency Assistance Trust Account] FUND on a recommendation by the
33 Department in accordance with this section.

34 (f) As authorized by the Board of Public Works, the Treasurer shall disburse
35 money from the Fund to a volunteer company for the purposes of this subtitle on
36 warrant of the Comptroller.

1 8-209.

2 (a) On or before August 30 of each fiscal year, the Association shall submit to
 3 the Department and to the Board of Public Works a report that includes for the
 4 previous fiscal year:

5 (1) the number of GRANTS AND loans made;

6 (2) each volunteer company that received a GRANT OR A loan and the
 7 amount of the GRANT OR loan;

8 (3) the specific purpose for making each GRANT OR loan; and

9 (4) for each volunteer company that received a GRANT OR loan:

10 (i) the financial statement of the volunteer company for the fiscal
 11 year in which the money was received; and

12 (ii) documentation of the volunteer company's actual expenditures.

13 (b) The Department shall:

14 (1) review each financial statement and the documentation submitted in
 15 accordance with subsection (a) of this section to determine if the money was spent in
 16 accordance with the request for money approved by the Board of Public Works; and

17 (2) report the findings to the Senate Budget and Taxation Committee
 18 and the House Appropriations Committee.

19 **Article – Public Utility Companies**

20 ~~7-512.1.~~

21 ~~(a) (2) (f) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
 22 ~~PARAGRAPH, THE Department of Human Resources shall be responsible for~~
 23 ~~administering the universal service program through the Office of Home Energy~~
 24 ~~Programs.~~

25 ~~(H) THE DEPARTMENT OF HOUSING AND COMMUNITY~~
 26 ~~DEVELOPMENT SHALL ADMINISTER ANY LOW-INCOME WEATHERIZATION~~
 27 ~~PROGRAMS UNDER THE UNIVERSAL SERVICE PROGRAM IN ACCORDANCE WITH ANY~~
 28 ~~APPLICABLE STATE OR FEDERAL REGULATIONS.~~

29 **Article – State Personnel and Pensions**

30 ~~21-205.~~

31 ~~(A) In exercising authority, control, or discretion with respect to the several~~
 32 ~~systems, a fiduciary may not:~~

1 ~~(1) use the assets of the several systems for the fiduciary's own interest~~
2 ~~or account;~~

3 ~~(2) act in a transaction involving the several systems on behalf of a~~
4 ~~person, or represent a person, if the interests of the person are adverse to the~~
5 ~~interests of the several systems or the interests of participants;~~

6 ~~(3) receive any consideration for the fiduciary's own account from a~~
7 ~~person dealing with the several systems in connection with a transaction involving~~
8 ~~the assets of the several systems; or~~

9 ~~(4) become an endorser or surety or, in any manner, an obligor, for money~~
10 ~~lent to or borrowed from the Board of Trustees.~~

11 ~~(B) (1) IN THIS SUBSECTION, "CANDIDATE", "CONTRIBUTION", AND~~
12 ~~"POLITICAL COMMITTEE" HAVE THE MEANINGS STATED IN § 1-101 OF THE ELECTION~~
13 ~~LAW ARTICLE.~~

14 ~~(2) THE RESTRICTIONS IN THIS SUBSECTION APPLY:~~

15 ~~(I) FROM THE DATE AN INDIVIDUAL BECOMES A MEMBER OF THE~~
16 ~~BOARD OF TRUSTEES UNTIL THE DAY FOLLOWING THE DATE THE INDIVIDUAL~~
17 ~~CEASES TO BE A BOARD MEMBER; AND~~

18 ~~(II) FROM THE DATE THE BOARD OF TRUSTEES DESIGNATES A~~
19 ~~PERSON TO CARRY OUT THE RESPONSIBILITIES OF A FIDUCIARY UNTIL THE DAY~~
20 ~~FOLLOWING THE DATE THE DESIGNATION CEASES.~~

21 ~~(3) A MEMBER OF THE BOARD OF TRUSTEES MAY NOT ACCEPT A~~
22 ~~POLITICAL CONTRIBUTION FROM ANY PERSON WHO HAS BEEN DESIGNATED BY THE~~
23 ~~BOARD OF TRUSTEES TO CARRY OUT THE RESPONSIBILITIES OF A FIDUCIARY.~~

24 ~~(4) A PERSON WHO HAS BEEN DESIGNATED BY THE BOARD OF~~
25 ~~TRUSTEES TO CARRY OUT THE RESPONSIBILITIES OF A FIDUCIARY MAY NOT, FOR~~
26 ~~THE BENEFIT OF ANY MEMBER OF THE BOARD OF TRUSTEES WHO IS AN ELECTED~~
27 ~~OFFICIAL OR A CANDIDATE FOR ELECTED OFFICE, ENGAGE IN THE FOLLOWING~~
28 ~~ACTIVITIES:~~

29 ~~(I) SOLICITING OR TRANSMITTING A POLITICAL CONTRIBUTION~~
30 ~~FROM ANY PERSON, INCLUDING A POLITICAL COMMITTEE;~~

31 ~~(II) SERVING ON A FUND RAISING COMMITTEE OR A POLITICAL~~
32 ~~COMMITTEE;~~

33 ~~(III) ACTING AS A TREASURER FOR A CANDIDATE OR OFFICIAL OR~~
34 ~~AS TREASURER OR CHAIRMAN OF A POLITICAL COMMITTEE;~~

35 ~~(IV) ORGANIZING OR ESTABLISHING A POLITICAL COMMITTEE FOR~~
36 ~~THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY~~
37 ~~PERSON; OR~~

1 ~~(V) FORWARDING TICKETS FOR FUND RAISING ACTIVITIES, OR~~
 2 ~~OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL~~
 3 ~~CONTRIBUTOR.~~

4 ~~(5) THIS SUBSECTION DOES NOT PROHIBIT A PERSON WHO HAS BEEN~~
 5 ~~DESIGNATED BY THE BOARD OF TRUSTEES TO CARRY OUT THE RESPONSIBILITIES OF~~
 6 ~~A FIDUCIARY FROM:~~

7 ~~(I) MAKING A PERSONAL POLITICAL CONTRIBUTION;~~

8 ~~(II) INFORMING ANY PERSON OF A POSITION TAKEN BY A~~
 9 ~~CANDIDATE OR OFFICIAL; OR~~

10 ~~(III) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY~~
 11 ~~PROHIBITED UNDER PARAGRAPH (4) OF THIS SUBSECTION.~~

12 ~~(6) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO HAS BEEN~~
 13 ~~DESIGNATED BY THE BOARD OF TRUSTEES TO CARRY OUT THE RESPONSIBILITIES OF~~
 14 ~~A FIDUCIARY AND WHO IS A CANDIDATE WITH RESPECT TO THAT PERSON'S OWN~~
 15 ~~CAMPAIGN.~~

16 **Article - State Finance and Procurement**

17 7-106.

18 THE GOVERNOR SHALL SUBMIT TO THE GENERAL ASSEMBLY BY THE THIRD
 19 WEDNESDAY IN JANUARY EACH YEAR, EXCEPT IN THE CASE OF A NEWLY ELECTED
 20 GOVERNOR, AND THEN NOT LATER THAN 10 DAYS AFTER THE CONVENING OF THE
 21 GENERAL ASSEMBLY, EACH BOND OR REVENUE BILL NECESSARY TO SUBMIT A
 22 BALANCED BUDGET AND TO CARRY OUT THE PROPOSED BUDGET FOR THE NEXT
 23 FISCAL YEAR.

24 7-110.

25 (b) (1) Each budget bill shall set forth as part of the appropriation for the
 26 Office of the Secretary of Transportation and for each modal administration, separate
 27 items for:

28 (i) capital expenditures; and

29 (ii) operating expenditures.

30 (2) The budget books shall set forth, for information, a summary of the
 31 capital expenditures and operating expenditures, as defined by the Secretary of
 32 Transportation, for the Maryland Transportation Authority.

33 (3) THE BUDGET BOOKS FOR A FISCAL YEAR SHALL INCLUDE THE
 34 APPROPRIATION FOR THE PRECEDING FISCAL YEAR FOR EACH MODAL
 35 ADMINISTRATION, AS PROVIDED IN THE CONSOLIDATED TRANSPORTATION
 36 PROGRAM.

1 7-208.

2 (c) An amendment of an appropriation for a program of the Legislative
3 Branch of State government:

4 (1) may not increase the sum of the appropriations FROM THE GENERAL
5 FUND OF THE STATE for all the programs of the Legislative Branch; AND

6 (2) MAY AUTHORIZE THE EXPENDITURE OF MONEY FROM A SPECIAL
7 FUND OR THE FEDERAL GOVERNMENT AS PROVIDED IN § 2-201 OR § 7-217(A) OF THIS
8 ARTICLE.

9 7-208.1.

10 (b) An amendment of an appropriation for a program of the Judicial Branch:

11 (1) may not increase the sum of the appropriations FROM THE GENERAL
12 FUND OF THE STATE for all the programs of the Judicial Branch; AND

13 (2) MAY AUTHORIZE THE EXPENDITURE OF MONEY FROM A SPECIAL
14 FUND OR THE FEDERAL GOVERNMENT AS PROVIDED IN §§ 2-201 AND 7-217(A) OF THIS
15 ARTICLE.

16 7-209.

17 (c) (1) An amendment of an appropriation for a program:

18 (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
19 may not increase the sum of the appropriations FROM THE GENERAL FUND OF THE
20 STATE for all the programs of the officer or unit; AND

21 (II) MAY PERMIT THE EXPENDITURE OF MONEY FROM A SPECIAL
22 FUND OR THE FEDERAL GOVERNMENT AS PROVIDED IN § 2-201 OR § 7-217(A) OF THIS
23 ARTICLE.

24 (2) AN AMENDMENT OF AN APPROPRIATION FOR A PROGRAM OF THE
25 EXECUTIVE BRANCH MAY INCREASE THE SUM OF THE APPROPRIATIONS FROM THE
26 GENERAL FUND OF THE STATE FOR ALL PROGRAMS OF THE OFFICER OR UNIT IF
27 MONEY MONEYS FROM THE CONTINGENT FUND OF THE BOARD OF PUBLIC WORKS
28 ARE TRANSFERRED TO THE PROGRAM.

29 (e) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this
30 subsection, an amendment under this section may not transfer any part of an
31 appropriation among any of the principal departments or any of the units in the
32 Executive Branch that are not assigned to a principal department.

33 (2) This subsection does not prevent a transfer that:

34 (i) is part of a reorganization under § 8-301 of the State
35 Government Article;

1 (ii) is needed to comply with federal law or a policy directive of a
 2 federal unit that relates to the use of federal funds;

3 (iii) because of an emergency declared by the Governor, is needed to
 4 protect the health, welfare, or property of the public; or

5 (iv) is specifically authorized by the budget bill or other law.

6 (3) (I) SUBJECT TO THE STATE BUDGET BILL, AN AMENDMENT MAY
 7 TRANSFER PART OF AN APPROPRIATION OF SPECIAL OR FEDERAL FUNDS BETWEEN
 8 ANY OF THE PRINCIPAL DEPARTMENTS OR ANY OF THE UNITS IN THE EXECUTIVE
 9 BRANCH THAT ARE NOT ASSIGNED TO A PRINCIPAL DEPARTMENT IF:

10 1. FUNDS ARE AVAILABLE TO THE DEPARTMENT OR UNIT
 11 FROM WHICH THE FUNDS ARE TO BE TRANSFERRED THROUGH A FEDERAL GRANT
 12 OR CONTRACT OR OTHER RESTRICTED GRANT OR CONTRACT;

13 2. THE USE OF FUNDS BY THE DEPARTMENT OR UNIT TO
 14 WHICH THE FUNDS ARE TO BE TRANSFERRED IS DIRECTLY RELATED TO THE
 15 PURPOSES OF THE GRANT OR CONTRACT AND THE STATUTORY DUTIES OF THAT
 16 DEPARTMENT OR UNIT; AND

17 3. THE TRANSFERRING DEPARTMENT OR UNIT AND THE
 18 RECEIVING DEPARTMENT OR UNIT SUBMIT A SCHEDULE OF FUNDS TO BE
 19 TRANSFERRED TO THE DEPARTMENT OF BUDGET AND MANAGEMENT.

20 (II) FUNDS TRANSFERRED UNDER THIS PARAGRAPH MAY NOT BE
 21 EXPENDED BY THE RECIPIENT DEPARTMENT OR UNIT UNTIL EACH PROPOSED
 22 BUDGET AMENDMENT HAS BEEN APPROVED BY:

23 1. THE SECRETARY OF THE DEPARTMENT OF BUDGET AND
 24 MANAGEMENT;

25 2. THE GOVERNOR; AND

26 3. THE BOARD OF PUBLIC WORKS.

27 (III) A COPY OF EACH APPROVED BUDGET AMENDMENT UNDER
 28 THIS PARAGRAPH SHALL BE PROVIDED TO THE DEPARTMENT OF LEGISLATIVE
 29 SERVICES.

30 7-217.

31 (a) An officer or unit of the State government may spend money [that is
 32 derived from a source] FROM A SPECIAL FUND OR THE FEDERAL GOVERNMENT THAT
 33 IS not estimated or included in the State budget OR EXCEEDS THE ESTIMATE IN THE
 34 STATE BUDGET and is paid into the State Treasury for a program after AN APPROVED
 35 amendment of [the] A SPECIAL OR FEDERAL FUND appropriation for the program;

1 (1) for the specific purpose to which the money is dedicated by State law
2 or act of Congress; or

3 (2) if the money is not dedicated to a specific purpose, with the approval
4 of the Governor AND AS AUTHORIZED IN AN APPROVED BUDGET AMENDMENT, for
5 necessary current operations.

6 (b) Money that is derived from a source estimated and included in an
7 appropriation act and that is in excess of the estimate shall remain in the General
8 Fund of the State until appropriated by a subsequent appropriation act.

9 7-310.

10 (a) In this section "Account" means the Dedicated Purpose Account.

11 (d) For each appropriation to the Account, the Governor may:

12 (2) transfer the funds by budget amendment from the Account to the
13 expenditure account of the appropriate unit of State government [only] NO EARLIER
14 THAN 45 DAYS after the proposed budget amendment has been:

15 (I) submitted to the Senate Budget and Taxation Committee and
16 the House Appropriations Committee of the General Assembly; and

17 (II) [approved by] SUBMITTED TO the Legislative Policy Committee
18 FOR REVIEW AND COMMENT.

19 (f) (1) The unspent balance of an appropriation to the Account reverts to the
20 Revenue Stabilization Account 4 years after the end of the fiscal year for which the
21 appropriation was made.

22 (2) If the Governor determines that certain funds in the Account are no
23 longer needed for the purpose for which they were originally appropriated, those
24 funds may be transferred by budget amendment to the Revenue Stabilization Account
25 NO EARLIER THAN 45 DAYS after the proposed budget amendment has been:

26 (I) submitted to the Senate Budget and Taxation Committee and
27 the House Appropriations Committee of the General Assembly; and

28 (II) [approved by] SUBMITTED TO the Legislative Policy Committee
29 FOR REVIEW AND COMMENT.

30 7-311.

31 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) "Account" means the Revenue Stabilization Account.

34 (3) "ESTIMATED GENERAL FUND REVENUES" MEANS THE ESTIMATED
35 GENERAL FUND REVENUES STATED IN THE ANNUAL REPORT OF THE BOARD OF

1 REVENUE ESTIMATES SUBMITTED TO THE GOVERNOR UNDER § 6-106 OF THIS
2 ARTICLE.

3 (e) Except as provided in subsection (f) of this section, for each fiscal year:

4 (1) if the Account balance is below 3% of the estimated General Fund
5 revenues for that fiscal year, the Governor shall include in the budget bill an
6 appropriation to the Account equal to at least \$100,000,000; and

7 (2) if the Account balance is at least 3% but less than 5% of the estimated
8 General Fund revenues for that fiscal year, the Governor shall include in the budget
9 bill an appropriation to the Account equal to at least the lesser of \$50,000,000 or
10 whatever amount is required for the Account balance to exceed 5% of the estimated
11 General Fund revenues for that fiscal year.

12 (f) The appropriations required by subsection (e) of this section are not
13 required when the Account balance exceeds 5% of the estimated General Fund
14 revenues.

15 (j) (1) Except as provided in paragraph (2) of this subsection AND § 3-216(G)
16 OF THE TRANSPORTATION ARTICLE, for fiscal year [2004] 2006 and for each
17 subsequent fiscal year, the Governor shall include in the budget bill an appropriation
18 to the Account equal to the amount by which the unappropriated General Fund
19 surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000.

20 (2) The appropriation required under this subsection for any fiscal year
21 may be reduced by the amount of any appropriation to the Account required to be
22 included for that fiscal year under subsection (e) of this section.

23 7-314.

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

25 (2) "Account" means the Economic Development Opportunities Program
26 Account.

27 (d) [After notice to and approval by] NO EARLIER THAN 45 DAYS AFTER
28 SUBMISSION OF A PROPOSED BUDGET AMENDMENT TO the Legislative Policy
29 Committee FOR REVIEW AND COMMENT, the Governor may transfer funds by budget
30 amendment from the Economic Development Opportunities Program Account to the
31 expenditure account of the appropriate executive agency.

32 (g) (1) The Department of Business and Economic Development shall report
33 to the Governor and, subject to § 2-1246 of the State Government Article, to the
34 General Assembly before January 1 of each year:

35 (i) the financial status of the program and a summary of its
36 operations for the preceding fiscal year;

1 (ii) for the previous 3 fiscal years, the status of Account
2 disbursements for economic development projects [approved] REVIEWED by the
3 Legislative Policy Committee under this section; and

4 (iii) for the previous 3 fiscal years, the status of job creation, capital
5 investment, and other measures of economic development for each economic
6 development project [approved] REVIEWED by the Legislative Policy Committee
7 under this section.

8 (i) The Legislative Policy Committee may [approve] REVIEW AND COMMENT
9 ON an economic development opportunity that is not an extraordinary economic
10 development opportunity if the executive agency requesting the transfer of funds
11 offers a detailed justification for the exception. The Legislative Policy Committee
12 shall give particular consideration to an exception that would provide a significant
13 economic development opportunity for an area of the State that has a relatively high
14 unemployment rate or relatively low per capita income.

15 (j) (1) The Department of Business and Economic Development shall
16 submit to the Legislative Policy Committee by January 1 of each year a list of
17 guidelines for the kinds of performance requirements that may be negotiated with a
18 loan or grant applicant.

19 (2) The Department of Business and Economic Development may modify
20 these guidelines as needed, [upon approval of] NO EARLIER THAN 45 DAYS AFTER
21 SUBMISSION TO the Legislative Policy Committee FOR REVIEW AND COMMENT.

22 (3) An executive agency may depart from these guidelines as needed,
23 [upon approval of] NO EARLIER THAN 45 DAYS AFTER SUBMISSION OF A
24 DESCRIPTION OF THE EXCEPTION TO THE GUIDELINES TO the Legislative Policy
25 Committee FOR REVIEW AND COMMENT.

26 (l) Upon [request for approval for the transfer of funds by] SUBMISSION TO
27 THE LEGISLATIVE POLICY COMMITTEE OF A PROPOSED budget amendment TO
28 TRANSFER MONEY from the Account, the Governor shall provide, subject to § 2-1246
29 of the State Government Article, to the Legislative Policy Committee:

30 (1) a detailed description of:

31 (i) the proposed use of the funds;

32 (ii) the manner in which the proposed use meets the criteria as set
33 forth in this section;

34 (iii) the degree to which the proposed use of funds will advance
35 statewide or local economic development strategies and objectives; and

36 (iv) the degree to which available sources of federal, State, local,
37 and private financial support has been sought and will be utilized;

1 (2) the terms, conditions, and performance requirements of any grant or
2 loan for which the funds are to be used;

3 (3) a comprehensive economic analysis of the proposed use of the funds
4 which estimates:

5 (i) the economic impact to the State and the local jurisdictions
6 affected;

7 (ii) a minimum level of net economic benefits to the public sector;

8 (iii) the number of jobs expected to be created as a result of the
9 proposed economic development project and the percentage of those jobs that are
10 expected to be held by Maryland residents;

11 (iv) the wage rates and benefit packages for the jobs expected to be
12 created as a result of the proposed economic development project; and

13 (v) any other appropriate financial or economic benefits;

14 (4) any other analysis or information that is requested by the Legislative
15 Policy Committee; and

16 (5) the date on which the executive agency expects to disburse the funds
17 to the proposed recipient.

18 (m) If an executive agency fails to disburse transferred funds to a recipient
19 within 1 year after the expected disbursement date presented to the Legislative
20 Policy Committee under subsection (l) of this section, the funds will revert back to the
21 Account and the Governor shall:

22 (1) resubmit the [request] PROPOSED BUDGET AMENDMENT TO
23 TRANSFER MONEY TO THE ACCOUNT to the Legislative Policy Committee [to transfer
24 funds by budget amendment to the Account]; and

25 (2) provide the Legislative Policy Committee with the information
26 required under subsection (l) of this section.

27 (o) In the case of an economic development opportunity located outside a
28 priority funding area as established under Title 5, Subtitle 7B of this article, the
29 Department shall first comply with the provisions of that subtitle before [making a
30 request for approval] SUBMITTING A PROPOSAL TO [by] the Legislative Policy
31 Committee FOR REVIEW AND COMMENT under this section.

32 (p) An executive agency may approve changes to a transaction [approved]
33 REVIEWED AND COMMENTED ON by the Legislative Policy Committee as long as the
34 changes do not materially and adversely affect the overall position of the executive
35 agency in the transaction or the economic development benefits to be derived by the
36 State in the transaction.

1 7-324.

2 (a) In this section, "Account" means the Catastrophic Event Account.

3 (d) [After notice to and approval by] NO EARLIER THAN 45 DAYS AFTER THE
4 SUBMISSION OF A PROPOSED BUDGET AMENDMENT TO the Legislative Policy
5 Committee FOR REVIEW AND COMMENT, the Governor may transfer funds by budget
6 amendment from the Account to the expenditure accounts of the appropriate unit of
7 State government.

8 7-325.

9 (a) For each fiscal year, the Governor shall include in the annual budget bill
10 submitted to the General Assembly [an] A GENERAL FUND appropriation for the
11 Maryland State Arts Council in an amount not less than the amount of the GENERAL
12 FUND appropriation for the Council as approved in the State budget as enacted by the
13 General Assembly for the prior fiscal year, increased by not less than the percentage
14 by which the projected total General Fund revenues for the upcoming fiscal year
15 exceed the revised estimate of total General Fund revenues for the current fiscal year,
16 as contained in the report of estimated State revenues submitted by the Board of
17 Revenue Estimates to the Governor under § 6-106(b) of this article.

18 8-112.

19 (a) The Committee shall review on a continuing basis the size and condition of
20 the State tax supported debt as well as:

21 (1) DEBT ISSUED BY THE DEPARTMENT OF TRANSPORTATION UNDER
22 TITLE 3, SUBTITLE 6 OF THE TRANSPORTATION ARTICLE; AND

23 (2) other debt of State units, including the University System of
24 Maryland, Morgan State University, St. Mary's College of Maryland, and the
25 Baltimore City Community College.

26 (b) On or before September 10 of each year, the Committee shall submit to the
27 Governor and the General Assembly the Committee's estimate of the total amount of
28 new State debt that prudently may be authorized for the next fiscal year.

29 (c) In making the estimate, the Committee shall consider:

30 (1) the amount of State bonds that, during the next fiscal year:

31 (i) will be outstanding; and

32 (ii) will be authorized but unissued;

33 (2) the capital program prepared by the Department of Budget and
34 Management;

35 (3) capital improvement and school construction needs during the next 5
36 fiscal years, as projected by the Interagency Committee on School Construction;

1 (4) projections of debt service requirements during the next 10 fiscal
2 years;

3 (5) the criteria that recognized bond rating agencies use to judge the
4 quality of issues of State bonds;

5 (6) any other factor that is relevant to:

6 (i) the ability of the State to meet its projected debt service
7 requirements for the next 5 fiscal years; or

8 (ii) the marketability of State bonds;

9 (7) the effect of authorizations of new State debt on each of the factors
10 set out in this subsection; and

11 (8) the amount of issuances, debt outstanding, and debt service
12 requirement of other classes of State tax supported debt as well as:

13 (I) DEBT ISSUED BY THE DEPARTMENT OF TRANSPORTATION
14 UNDER TITLE 3, SUBTITLE 6 OF THE TRANSPORTATION ARTICLE; AND

15 (II) other debt of State units, including the University System of
16 Maryland, Morgan State University, St. Mary's College of Maryland, and the
17 Baltimore City Community College.

18 (d) The estimate of the Committee:

19 (1) is advisory; and

20 (2) does not bind the General Assembly, the Board, or the Governor.

21 (e) (1) In addition to its other duties under this section, the Committee shall
22 review on a continuing basis the size and condition of any debt of the University
23 System of Maryland, Morgan State University, St. Mary's College of Maryland, and
24 the Baltimore City Community College.

25 (2) In preparing an estimate with respect to the authorization of any new
26 State debt, the Committee shall take into account as part of the affordability analysis
27 any debt for academic facilities to be issued by a System.

28 (3) At the same time that the Committee makes its report as required
29 under paragraph (b) of this section, the Committee shall submit to the Governor and
30 the General Assembly the Committee's estimate of the amount of new bonds for
31 academic facilities that prudently may be authorized in the aggregate for the next
32 fiscal year by the University System of Maryland, Morgan State University, and St.
33 Mary's College of Maryland.

34 (4) For purposes of this subtitle, the terms "System" and "academic
35 facilities" have the meanings stated in § 19-101 of the Education Article.

1 (5) The Committee may request any needed information from a System
2 and shall consider the information in making its estimates, including any information
3 submitted by a System at its own initiative.

4 (6) This estimate:

5 (i) is advisory; and

6 (ii) does not bind the General Assembly, the Board, or the Governor.

7 (F) (1) IN ADDITION TO THE OTHER DUTIES UNDER THIS SECTION, THE
8 COMMITTEE SHALL REVIEW ON A CONTINUING BASIS THE SIZE AND CONDITION OF
9 ANY DEBT ISSUED BY THE DEPARTMENT OF TRANSPORTATION UNDER TITLE 3,
10 SUBTITLE 6 OF THE TRANSPORTATION ARTICLE.

11 (2) IN PREPARING AN ESTIMATE WITH RESPECT TO THE
12 AUTHORIZATION OF ANY NEW STATE DEBT, THE COMMITTEE SHALL TAKE INTO
13 ACCOUNT AS PART OF THE AFFORDABILITY ANALYSIS ANY DEBT ISSUED BY THE
14 DEPARTMENT OF TRANSPORTATION UNDER TITLE 3, SUBTITLE 6 OF THE
15 TRANSPORTATION ARTICLE.

16 (3) AT THE SAME TIME THAT THE COMMITTEE MAKES ITS REPORT AS
17 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE COMMITTEE SHALL
18 SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY THE COMMITTEE'S
19 ESTIMATE OF THE AMOUNT OF NEW BONDS THAT MAY PRUDENTLY BE ISSUED BY
20 THE DEPARTMENT OF TRANSPORTATION UNDER TITLE 3, SUBTITLE 6 OF THE
21 TRANSPORTATION ARTICLE.

22 (4) THE COMMITTEE MAY REQUEST ANY NEEDED INFORMATION FROM
23 THE DEPARTMENT OF TRANSPORTATION AND SHALL CONSIDER THE INFORMATION
24 IN MAKING ITS ESTIMATES, INCLUDING ANY INFORMATION SUBMITTED BY THE
25 DEPARTMENT OF TRANSPORTATION ON ITS OWN INITIATIVE.

26 (5) THIS ESTIMATE:

27 (I) IS ADVISORY; AND

28 (II) DOES NOT BIND THE GENERAL ASSEMBLY, THE BOARD, OR THE
29 GOVERNOR.

30 8-125.

31 (e) (1) Unless payment of expenses otherwise has been provided, the
32 expenses of each bond sale shall be paid from the proceeds of that bond sale credited
33 to the premium and expense account.

34 (2) After the expenses of each sale of State bonds have been paid, the
35 remaining premium credited to the premium and expense account from that bond
36 sale shall be transferred to the Annuity Bond Fund to pay[;

- 1 (i) debt service on State bonds]; and
 2 (ii) if approved by the Board, the costs of other capital projects].

3 ~~11-203.~~

4 (a) ~~Except as provided in subsection (b) of this section, this Division II does~~
 5 ~~not apply to:~~

6 (2) ~~procurement by a unit from:~~

7 (i) ~~EXCEPT FOR CONTRACTS WITH A VALUE THAT EXCEEDS~~
 8 ~~\$500,000, another unit;~~

9 (ii) ~~a political subdivision of the State;~~

10 (iii) ~~an agency of a political subdivision of the State;~~

11 (iv) ~~a government, including the government of another state, of the~~
 12 ~~United States, or of another country;~~

13 (v) ~~an agency or political subdivision of a government; or~~

14 (vi) ~~a bistate, multistate, bicounty, or multicounty governmental~~
 15 ~~agency; or~~

16 **Article - Tax - General**

17 ~~2-606.~~

18 (b) (1) In June of each year, from current collections, the Comptroller shall
 19 RESERVE AN AMOUNT OF UNALLOCATED REVENUE THAT THE COMPTROLLER
 20 ESTIMATES WILL BE CLAIMED ON RETURNS AND REFUNDED TO TAXPAYERS WITHIN
 21 3 YEARS OF THE DATE THE INCOME TAX RETURN WAS DUE TO BE FILED, AND
 22 distribute to each county, municipal corporation, and special taxing district a pro rata
 23 share of THE BALANCE OF THE unallocated individual income tax revenue];

24 (i) with respect to which an income tax return was not filed within
 25 3 years after the date the income tax return was due to be filed; and

26 (ii) that was received during the calendar year ending 42 months
 27 before the distribution date].

28 ~~2-614.~~

29 (A) After making the distribution required under § 2-613 of this subtitle, the
 30 Comptroller shall distribute monthly 24% of the remaining income tax revenue from
 31 corporations to A SPECIAL FUND TO BE DISTRIBUTED AS PROVIDED IN SUBSECTION
 32 (B) OF THIS SECTION.

1 (B) (1) FROM THE SPECIAL FUND, THE COMPTROLLER SHALL DISTRIBUTE
 2 AN AMOUNT EQUAL TO 24% OF THE COST TO ADMINISTER THE INCOME TAX ON
 3 CORPORATIONS TO AN ADMINISTRATIVE COST ACCOUNT.

4 (2) AFTER MAKING THE DISTRIBUTION REQUIRED UNDER PARAGRAPH
 5 (1) OF THIS SUBSECTION, THE COMPTROLLER SHALL DISTRIBUTE THE BALANCE IN
 6 THE SPECIAL FUND TO the Gasoline and Motor Vehicle Revenue Account in the
 7 Transportation Trust Fund.

8 **Article - Tax - Property**

9 13-209.

10 (c) (1) Subject to subsection (e) of this section, of the balance of the revenue
 11 in the special fund, not required under subsection (b) of this section:

12 (i) for the fiscal year beginning July 1, 2002, \$47,268,585 shall be
 13 allocated to the General Fund of the State and the remainder shall be allocated as
 14 provided in subsection (d) of this section;

15 (ii) for the fiscal year beginning July 1, 2003, \$102,833,869 shall be
 16 allocated to the General Fund of the State and the remainder shall be allocated as
 17 provided in the State budget; and

18 (iii) for the fiscal year beginning July 1, 2004, [an amount equal to
 19 50% of the estimated fiscal year 2005 revenue for the special fund] \$147,374,444
 20 shall be allocated to the General Fund of the State, and the remainder shall be
 21 allocated as provided in ~~subsection (d) of this section~~ *THE STATE BUDGET.*

22 (2) Subject to subsection (e) of this section, for the fiscal years beginning
 23 July 1, 2005 and each subsequent fiscal year, the balance of the revenue in the special
 24 fund, not required under subsection (b) of this section shall be allocated as provided in
 25 subsection (d) of this section.

26 **Article - Transportation**

27 2-103.1.

28 (c) (1) The Consolidated Transportation Program shall:

29 (i) Be revised annually; and

30 (ii) Include:

31 1. A list of Program priorities;

32 2. A statement of the Department's projected annual
 33 operating costs, set forth separately for the Office of the Secretary and for each modal
 34 administration;

- 1 3. Expanded descriptions of major capital projects;
- 2 4. A list of major capital projects for the current year, the
3 budget request year, and the 4 successive planning years;
- 4 5. A list of anticipated minor capital projects, including a
5 specific list of anticipated special projects for the current year and the budget request
6 year and an estimate of the Program level for each of the 4 successive planning years;
- 7 6. A list of major bridge work projects;
- 8 7. A summary of the capital and operating programs, as
9 defined by the Secretary, for the Maryland Transportation Authority;
- 10 8. For each listed major capital project, an indication
11 whether the revenue source anticipated to support that project consists of federal,
12 special, general, or other funds;
- 13 9. THE DEPARTMENT'S ESTIMATES OF THE LEVELS AND
14 SOURCES OF REVENUES TO BE USED TO FUND THE PROJECTS IN THE PROGRAM;
- 15 10. A glossary of terms; and
- 16 [10.] 11. A cross-reference table for the information contained
17 in the various parts of the State Report on Transportation.

18 3-216.

19 (G) (1) NOTWITHSTANDING § 7-311(J) OF THE STATE FINANCE AND
20 PROCUREMENT ARTICLE, FOR FISCAL YEAR 2006 AND FOR EACH SUBSEQUENT
21 FISCAL YEAR, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF
22 THE SECOND PRECEDING FISCAL YEAR EXCEEDS \$10,000,000, EXCEPT AS PROVIDED
23 IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE
24 BUDGET BILL AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND IN AN
25 AMOUNT EQUAL TO THE LESSER OF \$50,000,000 OR THE EXCESS SURPLUS OVER
26 \$10,000,000.

27 (2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

28 (I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS
29 OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF
30 \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE
31 TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
32 APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF
33 THE STATE FINANCE AND PROCUREMENT ARTICLE IS NOT REQUIRED; AND

34 (II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF
35 JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000
36 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE TRANSPORTATION
37 TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION

1 REQUIRED TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE
2 STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL THE AMOUNT BY
3 WHICH THAT SURPLUS EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT
4 APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF
5 THIS SUBSECTION.

6 (3) (I) THE CUMULATIVE AMOUNT APPROPRIATED TO THE
7 TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR
8 ALL FISCAL YEARS MAY NOT EXCEED \$314,913,000.

9 (II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A
10 CUMULATIVE AMOUNT EQUAL TO AT LEAST \$314,913,000 HAS BEEN APPROPRIATED
11 TO THE TRANSPORTATION TRUST FUND FOR PRIOR FISCAL YEARS UNDER THIS
12 SUBSECTION.

13 3-60L.

14 (D) IF THE DEPARTMENT INTENDS TO PLEDGE ANY FUTURE FEDERAL AID
15 FROM ANY SOURCE TO SUPPORT REPAYMENT OF BONDS ISSUED UNDER THIS
16 SUBTITLE:

17 (1) THE ANNUAL PAYMENTS FOR PRINCIPAL OF AND INTEREST ON THE
18 BONDS MAY NOT EXCEED 13 PERCENT OF THE STATE'S AVERAGE ANNUAL
19 AUTHORIZATION LEVEL IN THE CURRENT FEDERAL AUTHORIZATION ACT FOR
20 FEDERAL HIGHWAY AID PROVIDED UNDER TITLE 23 OF THE UNITED STATES CODE;
21 AND

22 (2) THE DATE OF MATURITY MAY NOT BE LATER THAN 15 YEARS AFTER
23 THE DATE OF ISSUE.

24 4-205.

25 (c) (1) Subject to the limitations described in paragraph (2) of this
26 subsection, the Authority may make any contracts and agreements necessary or
27 incidental to the exercise of its powers and performance of its duties.

28 (2) Not less than [30] 45 days before entering into any contract or
29 agreement to acquire or construct a revenue-producing transportation facilities
30 project, [the Authority shall provide,] subject to § 2-1246 of the State Government
31 Article, [the Legislative Policy Committee and the Department of Legislative Services
32 with information on the proposed contract or agreement] THE AUTHORITY SHALL
33 PROVIDE A DESCRIPTION OF THE PROPOSED PROJECT AND A SUMMARY OF THE
34 CONTRACT OR AGREEMENT TO:

35 (I) THE SENATE BUDGET AND TAXATION COMMITTEE AND THE
36 HOUSE COMMITTEE ON WAYS AND MEANS AND HOUSE APPROPRIATIONS
37 COMMITTEE FOR REVIEW AND COMMENT; AND

38 (II) THE DEPARTMENT OF LEGISLATIVE SERVICES.

1 4-302.

2 (a) [Without] EXCEPT AS PROVIDED IN § 4-306(B) OF THIS SUBTITLE,
3 WITHOUT limiting the power of the Authority to issue additional revenue bonds under
4 the provisions of law that authorize the issuance of revenue bonds of prior issues, the
5 Authority from time to time may issue its revenue bonds to finance the cost of any one
6 or more or combination of transportation facilities projects.

7 4-306.

8 (A) [Revenue] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
9 REVENUE bonds may be issued by the Authority:

10 (1) Without obtaining the consent of any instrumentality, agency, or unit
11 of this State; and

12 (2) Without any proceedings or the happening of any conditions or things
13 other than those specifically required by this subtitle.

14 (B) (1) THE AUTHORITY MAY NOT ISSUE BONDS TO FINANCE ALL OR ANY
15 PART OF THE COST OF A TRANSPORTATION FACILITY PROJECT UNTIL THE GENERAL
16 ASSEMBLY HAS APPROVED, THROUGH LEGISLATION, THE SPECIFIC PROJECT AND
17 THE MAXIMUM PRINCIPAL AMOUNT OF BONDS THAT THE AUTHORITY MAY ISSUE IN
18 CONNECTION WITH THE PROJECT.

19 (2) WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, THE
20 AUTHORITY MAY ISSUE BONDS TO REFINANCE ALL OR ANY PART OF THE COST OF A
21 TRANSPORTATION FACILITY PROJECT FOR WHICH THE AUTHORITY PREVIOUSLY
22 ISSUED BONDS AUTHORIZED UNDER THIS SUBTITLE.

23 4-307.

24 (a) [If,] SUBJECT TO THE PROVISIONS OF § 4-306(B) OF THIS SUBTITLE, IF by
25 reason of increased construction costs, error in estimates, or otherwise, the proceeds of
26 the revenue bonds of any issue are less than the amount required for the purpose for
27 which the bonds are authorized, additional revenue bonds may be issued in a similar
28 manner to provide the amount of the deficiency.

29 4-320.

30 IF THE AUTHORITY INTENDS TO PLEDGE ANY FUTURE FEDERAL AID FROM ANY
31 SOURCE TO SUPPORT REPAYMENT OF ANY DEBT INSTRUMENT ISSUED UNDER THIS
32 SUBTITLE:

33 (1) THE ANNUAL PAYMENTS FOR PRINCIPAL OF AND INTEREST ON THE
34 BONDS MAY NOT EXCEED 13 PERCENT OF THE STATE'S AVERAGE ANNUAL
35 AUTHORIZATION LEVEL IN THE CURRENT FEDERAL AUTHORIZATION ACT FOR
36 FEDERAL HIGHWAY AID PROVIDED UNDER TITLE 23 OF THE UNITED STATES CODE;
37 AND

1 (2) THE DATE OF MATURITY MAY NOT BE LATER THAN 15 YEARS AFTER
2 THE DATE OF ISSUE.

3 6-201.2.

4 (a) (1) Subject to approval of the Administration's budget by the General
5 Assembly as provided in § 3-216 of this article and subject to State fiscal procedures,
6 including those governing budgeting, accounting, and auditing, the Commission may
7 adopt regulations establishing procedures for the approval and control of
8 Administration expenditures.

9 (2) The Commission shall present regulations proposed under this
10 subsection to the Board of Public Works for approval. [Subject to the approval of the
11 General Assembly, the Administration shall receive an appropriation as part of its
12 annual operating budget for use as a contingency fund. No additional moneys may be
13 transferred into the contingency fund by budget amendment. Disbursements from the
14 contingency fund under \$500,000 shall be for those purposes that the Commission in
15 its sole discretion determines are valid, provided that timely notice of the use is given
16 to the budget committees of the General Assembly. Disbursements from the
17 contingency fund exceeding \$500,000 shall be subject to the approval of the Board of
18 Public Works and notice of these disbursements shall be provided to the budget
19 committees of the General Assembly in a timely manner. The Commission shall
20 include in its annual report to the General Assembly all uses of the contingency fund
21 and the impacts of those uses. At the end of each fiscal year any unused sums in the
22 contingency fund shall be credited to the Transportation Trust Fund and may not be
23 retained by the Administration.]

24 7-402.

25 (a) The State may not enter into an agreement for construction or operation of
26 a rail system based on magnetic levitation technology [except pursuant to an act of
27 the General Assembly specifically authorizing the project].

28 (b) ~~{State general or special funds may not be expended}~~ THE STATE MAY
29 NOT SPEND ANY FUNDS FROM ANY SOURCE for the purpose of studying, developing,
30 or constructing a Maglev system in the State.

31 (C) ON OR AFTER JULY 1, 2005, THE STATE MAY NOT SPEND ANY FUNDS FROM
32 ANY SOURCE FOR THE PURPOSE OF STUDYING, DEVELOPING, OR CONSTRUCTING A
33 MAGLEV SYSTEM IN THE STATE.

34 12-120.

35 (c) (1) Subject to the limitations under subsection (d) of this section, before
36 the start of any fiscal year the Administration by regulation may alter, effective
37 beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the
38 Administration is authorized under this article to establish.

1 (2) THE ADMINISTRATION SHALL ALTER THE LEVELS OF
2 MISCELLANEOUS FEES FOR THE UPCOMING FISCAL YEAR IF THE PROJECTED COST
3 RECOVERY UNDER SUBSECTION (D) OF THIS SECTION EXCEEDS 100%.

4 13-955.

5 (a) In this section, "Fund" means the Maryland Emergency Medical System
6 Operations Fund.

7 (b) (1) There is a Maryland Emergency Medical System Operations Fund.

8 (2) The Fund is a continuing, nonlapsing fund which is not subject to §
9 7-302 of the State Finance and Procurement Article.

10 (3) Interest and earnings on the Fund shall be separately accounted for
11 and credited to the Fund, and are not subject to § 6-226(a) of the State Finance and
12 Procurement Article.

13 (c) The Fund consists of:

14 (1) Registration surcharges collected under § 13-954 of this subtitle; and

15 (2) All funds, including charges for accident scene transports and
16 interhospital transfers of patients, generated by an entity specified in subsection (e)
17 of this section that is a unit of State government.

18 (d) Expenditures from the Fund shall be made pursuant to an appropriation
19 approved by the General Assembly in the annual State budget or by the budget
20 amendment procedure provided under § 7-209 of the State Finance and Procurement
21 Article, provided that any budget amendment shall be submitted to and approved by
22 the Legislative Policy Committee prior to the expenditure or obligation of funds.

23 (e) The money in the Fund shall be used solely for:

24 (1) Medically oriented functions of the Department of State Police,
25 Special Operations Bureau, Aviation Division;

26 (2) The Maryland Institute for Emergency Medical Services Systems;

27 (3) The R Adams Cowley Shock Trauma Center at the University of
28 Maryland Medical System;

29 (4) The Maryland Fire and Rescue Institute;

30 (5) The provision of grants under the Senator William H. Amoss Fire,
31 Rescue, and Ambulance Fund in accordance with the provisions of Title 8, Subtitle 1
32 of the Public Safety Article; and

33 (6) The [Low Interest Revolving Loan Account under the] Volunteer
34 Company Assistance Fund in accordance with the provisions of Title 8, Subtitle 2 of
35 the Public Safety Article.

Chapter 114 of the Acts of 1994, as amended by Chapter 555 of the Acts of 1996

1

2 SECTION 5. AND BE IT FURTHER ENACTED, That:

3 (a) Of the fees generated and paid into the Lead Poisoning Prevention Fund
 4 under § 6-843 of the Environment Article, as enacted by this Act, for fiscal years 1996
 5 and 1997 only, 50% of those fees, up to a maximum of \$750,000 per fiscal year, shall be
 6 dedicated to the Community Outreach and Education Program established under §
 7 6-848 of the Environment Article, as enacted by this Act]; and starting in fiscal year
 8 1998, at least \$750,000 per fiscal year shall be dedicated to the Community Outreach
 9 and Education Program].

10

Chapter 17 of the Acts of 2000

11 SECTION 9. AND BE IT FURTHER ENACTED, That a comprehensive
 12 evaluation of the Tobacco Use Prevention and Cessation Program and the Cancer
 13 Prevention, Education, Screening, and Treatment Program established in this Act
 14 shall be conducted at the end of fiscal year [2004] 2005. The comprehensive
 15 evaluation shall be conducted by a higher education institution or private entity. The
 16 Department shall issue a request for proposal to select the entity that will conduct the
 17 comprehensive evaluation. The comprehensive evaluation shall include an evaluation
 18 of: (1) the administration of the Programs; and (2) the effectiveness of the Programs,
 19 including an analysis of: (i) whether appropriate benchmarks based on objective
 20 performance measures have been met; and (ii) the extent to which the short-term and
 21 long-term goals established under §§ 13-1007 and 13-1109 of the Health - General
 22 Article have been met. No later than February 1, [2004] 2005, the Department shall
 23 submit a proposed request for proposal for the comprehensive evaluation to the
 24 Senate Budget and Taxation Committee, Senate Finance Committee, House
 25 Appropriations Committee, and House Environmental Matters Committee for review
 26 and comment. Based on the results of the comprehensive evaluation, the Department
 27 shall consider whether the Programs should be modified in any way. No later than
 28 November 1, [2004] 2005, the Department shall submit a report to the Governor and,
 29 subject to § 2-1246 of the State Government Article, the General Assembly that
 30 includes the results of the comprehensive evaluation and the Department's
 31 recommendations regarding modifications to the Programs.

32

Chapter 440 of the Acts of 2002, as amended by Chapter 203 of the Acts of 2003

33

34 SECTION 25. AND BE IT FURTHER ENACTED, That notwithstanding §
 35 16-317 of the Education Article or any other provision of law, the portion of fiscal year
 36 2002 and 2003 payments required under § 16-317 of the Education Article for private
 37 technology donation incentives that are not funded in the fiscal 2003 budget OR THE
 38 FISCAL YEAR 2005 BUDGET shall be deferred until fiscal year [2005] 2006.

39

Chapter 530 of the Acts of 2002

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 41 January 1, 2003. [It shall remain effective for a period of 3 years and, at the end of

1 December 31, 2005, with no further action required by the General Assembly, this Act
 2 shall be abrogated and of no further force and effect.]

3

Chapter 203 of the Acts of 2003

4 SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding
 5 anything to the contrary in § 8-403 of the Transportation Article or any other
 6 provision of State law, for fiscal years 2003, 2004, and 2005, only:

7 (a) (1) ~~the~~ *THE* amount to be distributed under § 8-403(b) of the
 8 Transportation Article shall be reduced by \$17,949,407 for fiscal year 2003[,] AND
 9 \$102,440,128 for FISCAL YEARS 2004 AND 2005 [fiscal year 2004, and \$51,220,064 for
 10 fiscal year 2005] and those amounts shall be distributed to the General Fund; and

11 ~~(b)~~ (2) *EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION*, the
 12 amount to be distributed to Baltimore City under § 8-403(a) of the Transportation
 13 Article shall be limited to \$171,817,132 in fiscal year 2003 and \$170,000,000 in each
 14 of fiscal years 2004 and 2005.

15 (B) *FOR FISCAL YEAR 2005 ONLY, IF THE TOTAL HIGHWAY USER REVENUES AS*
 16 *DEFINED UNDER § 8-401 OF THE TRANSPORTATION ARTICLE EXCEED \$1,615,653,303,*
 17 *THE AMOUNT TO BE DISTRIBUTED TO BALTIMORE CITY UNDER § 8-403(A) OF THE*
 18 *TRANSPORTATION ARTICLE SHALL BE LIMITED TO THE SUM OF:*

19 (1) \$170,000,000; AND

20 (2) 12.25% OF THE TOTAL HIGHWAY USER REVENUES IN EXCESS OF
 21 \$1,615,653,303.

22 SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding any
 23 other provision of law, on or before June 30, 2005, the Governor shall transfer to the
 24 General Fund:

25 ~~\$3,000,000~~ \$2,557,790 of the funds in the Spinal Cord Injury Research Trust
 26 Fund established under § 13-1406 of the Health - General Article;

27 \$500,000 of the funds in the Home Builder Registration Fund established under
 28 § 4.5-203 of the Business Regulation Article;

29 \$415,100 of the funds in the Special Fund established under § 11-401 of the
 30 Business Regulation Article;

31 \$2,000,000 of the funds in the account of the State Use Industries established
 32 under § 3-507 of the Correctional Services Article;

33 \$4,500,000 of the funds in the Central Collection Fund established under §
 34 3-306 of the State Finance and Procurement Article;

35 ~~\$163,000~~ of the funds in the State Board of Dental Examiners Fund established
 36 under § 4-207 of the Health Occupations Article;

1 \$251,000 of the funds in the State Board of Physical Therapy Examiners Fund
 2 established under § 13-207 of the Health Occupations Article;

3 \$107,000 of the funds in the State Board of Examiners for Psychologists Fund
 4 established under § 18-207 of the Health Occupations Article;

5 \$251,000 of the funds in the State Board of Social Work Examiners Fund
 6 established under § 19-206 of the Health Occupations Article;

7 \$628,000 of the funds in the State Board of Physicians Fund established under
 8 § 14-207 of the Health Occupations Article; and

9 \$41,886,000 of the funds in the special fund established under § 13-209 of the
 10 Tax - Property Article, representing excess actual transfer tax collections for fiscal
 11 year 2004 that would otherwise be allocated to the special fund for fiscal year 2006 as
 12 provided under § 13-209(f)(1) of the Tax - Property Article.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the unexpended
 14 appropriations for the following purposes that were included in the fiscal year 2004
 15 operating budget (Chapter 202, Acts of 2003) are reduced by the amounts indicated
 16 below and are hereby transferred to the State General Fund:

17 Fiscal			Amount of Reduction
18 Year	Program	Entitled	General Funds
19 2004	D25E03.02	Board of Public Works - Interagency	2,923,440
20		<u>Committee for School Construction -</u>	
21		<u>Aging School Programs</u>	
22 2004	D38I01.02	State Board of Elections - Help	1,847,000
23		America Vote Act	
24 2004	M00Q01.03	Medical Care Programs	31,300,000
25		<u>Administration - Medical Care</u>	
26		<u>Provider Reimbursements</u>	
27 2004	W00A01.01	Maryland State Police - Office of	4,899,660
28		the Superintendent	
29 2004	W00A01.02	Maryland State Police - Field	52,139,981
30		<u>Operations Bureau</u>	
31 2004	W00A01.03	Maryland State Police - Support	20,917,560
32		<u>Services Bureau</u>	
33 2004	W00A01.04	Maryland State Police -	7,724,085
34		<u>Administrative Services Bureau</u>	
35 2004	W00A01.10	Maryland State Police - Information	4,372,781
36		<u>Technology and Communications</u>	
37		<u>Bureau</u>	

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

3 **Article - Agriculture**

4 5-207.

5 (a) Each pest control consultant, pest control applicator, or public agency
6 applicator shall obtain an annual certificate indicating competence in one or more
7 established categories from the Secretary. Each private applicator shall obtain a
8 certificate which shall require periodic renewal as determined by the Secretary.

9 (b) Each application for a certificate by a pest control consultant or pest
10 control applicator shall be accompanied by a [~~\$65~~] \$75 certificate fee plus \$25 for
11 each category in excess of one. Each application for a private applicator certificate
12 shall be accompanied by a fee of \$7.

13 (c) Each applicant for a pest control consultant certificate, pest control
14 applicator certificate, or public agency applicator certificate shall demonstrate
15 competence to consult on pest control or to apply pesticides safely in the State by
16 passing a written examination prepared and administered by the Department. There
17 shall be no charge for an initial examination, provided that each pest control
18 applicator or each pest control consultant shall pay \$10 for each category of
19 examination after the initial examination. Each applicant for a private applicator
20 certificate shall pass an examination given by the Department. A private applicator
21 certificate is valid for 3 years and may be renewed by the certificate holder by
22 participation in training approved by the Department.

23 (d) Each certificate shall be renewed upon payment of the certificate fee and
24 demonstration of satisfactory knowledge of pesticide use.

25 (e) Each place of business engaged in the business of conducting pest control
26 shall obtain an annual license indicating the category of operation.

27 (f) Each place of business engaged in the business of pest control or pest
28 control consulting shall pay to the Department an annual license fee of [~~\$125~~] \$150
29 and shall provide evidence of financial responsibility as required by the Department.

30 (g) Each license shall be renewed upon payment of the license fee and
31 submission of proof of liability insurance.

32 (h) A person who sells or distributes a restricted use pesticide shall hold a
33 dealer permit from the Secretary.

34 (1) Each application for a dealer permit shall be accompanied by a \$25
35 permit fee.

36 (2) Each dealer permit shall be renewed annually upon payment of the
37 permit fee.

1 (i) A public agency that applies a pesticide shall hold an annual public agency
2 permit from the Secretary.

3 5-309.

4 (a) At least once each year the Secretary shall inspect each nursery in the
5 State to determine if the nursery stock is infested or infected with dangerously
6 injurious plant pests. Each nursery shall pay the Secretary an inspection fee based
7 upon the number of acres in production: 1 acre or less, \$10; more than 1 acre to 5
8 acres, \$20; more than 5 acres to 10 acres, \$30; more than 10 acres, \$3 for each acre, or
9 part of any acre, up to a maximum of \$1,000. All fees collected shall be placed in the
10 Plant Protection Fund and used to defray partially the cost of inspecting the
11 nurseries.

12 (b) Each nursery shall be certified annually by the Secretary if it meets
13 standards established by the Department regarding freedom from plant pests and
14 upon payment of a fee of [\$75] \$100. All fees collected shall be placed in the Plant
15 Protection Fund and used to defray partially the cost of inspecting and certifying the
16 nurseries.

17 (c) Each broker or dealer shall comply with the regulations established by the
18 Department and shall pay an annual license fee of [\$75] \$100. The Secretary may
19 inspect annually the nursery stock in a sales or holding yard of a broker or dealer.
20 Each broker or dealer shall pay the Secretary an inspection fee as provided in
21 subsection (a) of this section. All fees collected shall be placed in the Plant Protection
22 Fund and used to defray partially the cost of inspecting and licensing the brokers and
23 dealers.

24 (d) The Secretary may certify plants to be apparently free of injurious viruses,
25 and/or other diseases, or plants that conform to established standards of strain purity.
26 Each plant producer shall pay the Secretary the following certification fee for each
27 acre, or part of an acre, in plant production: strawberry plants, "Cape" American
28 beachgrass, "Avalon" Saltmeadow cordgrass, \$50; grape vines, fruit trees, and
29 bramble plants, \$70. All fees collected shall be placed in the Plant Protection Fund
30 and used to defray partially the cost of virus indexing, inspection, and analysis of
31 plants certified or tagged.

32 (e) If dangerously injurious plant pests are found in any nursery, orchard, or
33 any premises where nursery stock is grown or held for sale, the Secretary shall order
34 it treated or destroyed by the nurseryman or dealer. He shall release all other nursery
35 stock grown on the premises, and issue a certificate of inspection to the owner. If the
36 nurseryman or dealer fails to comply with the order, the Secretary shall seize, destroy,
37 and/or treat the infested or infected nursery stock and the owner shall pay the costs.
38 If the owner refuses to pay the cost, it shall be collected as prescribed in § 5-307 of
39 this subtitle.

40 (f) A federal, State, or local public agency is exempt from the license and
41 inspection fees required by this section.

1 9-204.

2 (a) No person may engage in the business of a wholesale seedsman in the
3 State unless he first obtains a permit.

4 (b) He shall apply to the Secretary on a form determined and furnished by the
5 Secretary. The application shall be verified by the oath of the applicant or, if the
6 applicant is a corporation, by the oath of some of its officers.

7 (c) Upon payment of a [~~\$50~~] \$100 permit fee, the Secretary shall issue to the
8 applicant a wholesale seedsman permit for an annual period beginning July 1 each
9 year.

10 (d) Out-of-state wholesale seedsmen doing business in the State shall obtain
11 a permit in the same manner.

12 (e) Any permit issued under this subtitle may be revoked or suspended by the
13 Secretary upon satisfactory proof that the seedsman has violated any provision of this
14 subtitle or any of the rules and regulations adopted under it. A permit may not be
15 revoked or suspended until the holder has been given an opportunity for a hearing by
16 the Secretary.

17 (f) The Secretary may issue a stop-sale order to any wholesale seedsman who
18 offers or exposes seed for sale without holding a valid permit.

19

Article - Commercial Law

20 14-12B-02.

21 (b) (1) Each person who registers under this subtitle shall pay a registration
22 fee at the time of registration.

23 (2) On September 1 of each year following the initial registration, each
24 registered person shall pay a renewal fee to the Division.

25 (3) The fees for registration and renewal required under this subsection
26 shall be set by the Division:

27 (i) In an amount not exceeding [~~\$800~~] \$1,200 for a person who is
28 required to purchase a surety bond or file an irrevocable letter of credit or cash under
29 subsection (e) of this section;

30 (ii) In an amount not exceeding [~~\$150~~] \$300 for a person who:

31 1. Is exempt from the requirement to purchase a surety bond
32 or file an irrevocable letter of credit or cash under subsection (e) of this section; and

33 2. Does not meet the requirements of item (iii) of this
34 paragraph; and

- 1 (iii) In an amount not exceeding [\$50] \$75 for a person who:
- 2 1. Is exempt from the requirement to purchase a surety bond
3 or file an irrevocable letter of credit or cash under subsection (e) of this section;
- 4 2. Does not charge an initiation fee or other fee that is not
5 identified as a payment for specified future services;
- 6 3. Does not contractually obligate a buyer of health club
7 services to pay in advance of the date the services are provided to the buyer; and
- 8 4. Does not collect from a buyer of health club services any
9 payment in advance of the date the services are provided to the buyer.
- 10 (4) The fees collected under this subsection may only be used for the
11 administration and enforcement of this subtitle.

12 17-311.

13 (a) (1) Within 180 days from the filing of the report required by § 17-310 of
14 this subtitle, the administrator shall cause notice to be published in a newspaper of
15 general circulation in the county in the State within which is located the last known
16 address of any person to be named in the notice.

17 (2) If an address is not listed or if the address is outside the State, the
18 notice shall be published in the county within which the [holder of] PERSON WHO
19 HELD the abandoned property has the principal place of business in this State.

20 (b) The published notice shall be entitled "Notice of Names of Persons
21 Appearing to Be Owners of Abandoned Property" and shall contain:

22 (1) The names in alphabetical order and last known addresses, if any, of
23 persons listed in the report and entitled to notice in the county specified in this
24 section;

25 (2) A statement that information concerning the amount or description of
26 the property and the name and address of the [holder] PERSON WHO HELD THE
27 PROPERTY may be obtained by any person who possesses an interest in the property,
28 by addressing an inquiry to the administrator; and

29 (3) A statement that [if] A proof of claim [is not] MAY BE presented by
30 the owner to the [holder and if the owner's right to receive the property is not
31 established to the holder's satisfaction within 65 days from the date of the published
32 notice, the abandoned property will be placed, not later than 85 days after the
33 publication date, in the custody of the administrator, to whom all further claims then
34 shall be directed] ADMINISTRATOR.

35 (c) The administrator is not required to publish in the notice any item valued
36 at less than \$100 unless the administrator considers the publication to be in the
37 public interest.

1 (d) Within 120 days from the receipt of the report required by § 17-310 of this
 2 subtitle, the administrator shall mail a notice to each person who has an address
 3 listed in the report who appears entitled to property valued at \$100 or more and
 4 presumed abandoned under this subtitle.

5 (e) The mailed notice shall contain:

6 (1) A statement that, according to a report filed with the administrator,
 7 property is being held to which the addressee appears entitled;

8 (2) The name and address of the person [holding] WHO HELD the
 9 property and any necessary information regarding any change of the name or address
 10 of the holder; and

11 (3) A statement that [if satisfactory] A proof of claim [is not] MAY BE
 12 presented by the owner to the [holder by the date specified in the published notice,
 13 the property will be placed in the custody of the administrator, to whom all further
 14 claims then shall be directed] ADMINISTRATOR.

15 17-312.

16 Every person who has filed a report as provided in § 17-310 of this subtitle,
 17 [within 20 days after the time specified in § 17-311 of this subtitle for claiming the
 18 property from the holder] AT THE TIME OF THE FILING OF THE REPORT, shall pay or
 19 deliver to the administrator all abandoned property specified in the report. [However,
 20 if the owner establishes the right to receive the abandoned property to the satisfaction
 21 of the holder within the time specified in § 17-311 of this subtitle, or if it appears that
 22 for some other reason the presumption of abandonment is erroneous, the property is
 23 no longer presumed abandoned and the holder need not pay or deliver the property to
 24 the administrator, but instead shall file a verified written explanation of the proof of
 25 claim or of the error in the presumption of abandonment.]

26 **Article - Corporations and Associations**

27 1-203.

28 (a) In addition to any organization and capitalization fee required under §
 29 1-204 of this article, SUBJECT TO SUBSECTION (C) OF THIS SECTION, the Department
 30 shall collect the following fees: THE FEES PROVIDED IN THIS SECTION.

31 (b) (1) For each of the following documents, the [recording]
 32 NONREFUNDABLE PROCESSING fee is \$100:

33 (b) (1) For each of the following documents, the [recording]
 34 NONREFUNDABLE PROCESSING fee is \$100:

35 Document

36 Articles of incorporation

37 Articles of amendment

38 Articles of extension

39 Articles of restatement of charter

40 Articles of amendment and restatement

41 Articles supplementary

- 1 Articles of share exchange
- 2 Articles of consolidation, merger, or transfer
- 3 Articles of dissolution
- 4 Articles of revival for stock corporation
- 5 Articles of revival for nonstock corporation

6 (2) For each of the following documents, the [recording]
7 NONREFUNDABLE PROCESSING fee is \$25:

- 8 (i) Notice of change of address of principal office;
- 9 (ii) Notice of change of name or address of resident agent;
- 10 (iii) Certificate of correction; and
- 11 (iv) Any other documents.

12 (3) (I) For each of the following documents which are filed but not
13 recorded, the [filing] NONREFUNDABLE PROCESSING fee is as indicated:

14 Reservation of a corporate, limited partnership, limited liability
15 partnership or limited liability company name \$25

16 Original registration of name of a foreign corporation to end of calendar
17 year \$100

18 Renewal of registration of name of a foreign corporation for one calendar
19 year \$100

20 Documents in connection with the qualification of a foreign corporation to
21 do intrastate business in this State \$100

22 Application for registration of a foreign limited partnership, a foreign
23 limited liability partnership, or a foreign limited liability company \$100

24 OTHER DOCUMENTS \$6

25 (II) FOR EACH OF THE FOLLOWING DOCUMENTS WHICH ARE FILED
26 BUT NOT RECORDED, THE FILING FEE IS AS INDICATED:

27 Annual report of a Maryland corporation, except a charitable or benevolent
28 institution, nonstock corporation, savings and loan corporation, credit
29 union, and banking institution \$300

30 Annual report of a foreign corporation subject to the jurisdiction of this
31 State, except [an insurance company which pays an annual filing fee of
32 \$25 to the Insurance Commissioner,] A national banking association,
33 savings and loan association, credit union, nonstock corporation, and
34 charitable and benevolent institution \$300

- 1 Annual report of a Maryland savings and loan association, banking
 2 institution, or credit union or of a foreign savings and loan association,
 3 national banking association, or credit union that is subject to the
 4 jurisdiction of this State \$300
- 5 Annual report of a Maryland limited liability company, limited liability
 6 partnership, limited partnership, or of a foreign limited liability company,
 7 foreign limited liability partnership, or foreign limited partnership \$300
- 8 ANNUAL REPORT OF A BUSINESS TRUST \$300
- 9 Annual report of a real estate investment trust doing business in this State \$300
- 10 [Other documents \$6]
- 11 (4) For each of the following documents recorded or filed the
 12 NONREFUNDABLE PROCESSING fee is \$100:
- 13 (i) Certificate of limited partnership, certificate of limited liability
 14 partnership, articles of organization of a limited liability company, certificate of trust
 15 of a business trust, including certificates of amendment and certificates of
 16 cancellation, certificates of reinstatement, and articles of reinstatement; and
- 17 (ii) Any statement filed by a partnership under Title 9 of this
 18 article.
- 19 (5) For issuing each of the following certificates, the NONREFUNDABLE
 20 PROCESSING fee is as indicated:
- 21 Type of Instrument Special Fee
- 22 Certificate of status of a corporation, partnership, limited partnership,
 23 limited liability partnership, or limited liability company of this State or
 24 of a foreign corporation, foreign partnership, foreign limited partnership,
 25 foreign limited liability partnership, or foreign limited liability company \$20
- 26 Certified list of the charter papers of a corporation of this State or any
 27 certificates of a limited partnership, limited liability partnership, or a
 28 limited liability company of this State recorded or filed with the
 29 Department \$20
- 30 Certificate of compliance by a foreign corporation, foreign limited
 31 partnership, foreign limited liability partnership, or foreign limited
 32 liability company with requirements of law in respect of qualification or
 33 registration \$20
- 34 Certificate of withdrawal of registration or qualification \$20
- 35 Certificate of any paper recorded or filed in the Department's office \$20

1 (6) For a duplicate of a certificate mentioned in subsection (5) of this
2 section which is issued at the same time as the original, the fee is \$1, and for a copy
3 of any other paper recorded or filed with the Department, the fee is \$1 per page.

4 (7) (i) For acceptance of service of process or notice on the
5 Department, the Department shall charge a fee of \$50.

6 (ii) Each county and Baltimore City is exempt from the fee under
7 paragraph (7)(i) of this section.

8 (8) For processing each of the following documents on an expedited basis,
9 the additional fee is as indicated:

10 Recording any document, including financing statements \$50

11 Certificate of status of a corporation, partnership, limited partnership,
12 limited liability partnership, or limited liability company, or a name
13 reservation \$20

14 A copy of any document recorded or filed with the Department, or a
15 corporate abstract \$20

16 Application for a ground rent redemption or payment of a redemption
17 amount to the former owner of the ground rent \$50

18 (9) A NONREFUNDABLE PROCESSING FEE FOR A REQUEST BY PAPER
19 DOCUMENT FOR AN EXTENSION OF THE DATE FOR SUBMITTING AN ANNUAL REPORT
20 UNDER § 14-704 OF THE TAX - PROPERTY ARTICLE IS \$20.

21 (C) FOR EACH FEE IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION AS
22 NONREFUNDABLE, THE DEPARTMENT SHALL ADOPT REGULATIONS TO SPECIFY THE
23 CONDITIONS UNDER WHICH THE FEE SHALL BE NONREFUNDABLE AND THE
24 CONDITIONS UNDER WHICH THE FEE MAY BE APPLIED TO A RESUBMISSION OF A
25 DOCUMENT FOR FILING, RECORDING, OR PROCESSING.

26 11-506.

27 (a) Except as provided in § 11-510.1 of this subtitle, a person filing an
28 application to register securities shall pay a fee of 0.1 percent of the maximum
29 aggregate offering price at which the securities are to be offered in this State, but the
30 fee may not be less than \$500 or more than \$1,500.

31 (b) (1) A person required to submit a filing in accordance with an exemption
32 granted under this title shall pay a fee of [\$100] \$400 for each filing.

33 (2) A person required to submit a notice of the offer or sale of federal
34 covered securities under § 11-503.1(c) of this subtitle shall pay a fee of \$100 for each
35 filing.

36 (c) The Commissioner shall retain the fee, if:

1 (1) An application to register securities is withdrawn before the effective
2 date;

3 (2) A notice of the offer or sale of a federal covered security is withdrawn;
4 or

5 (3) A preeffective stop order is entered under §§ 11-511 through 11-513
6 of this subtitle.

7 **~~Article - Education~~**

8 ~~6-704.~~

9 (b) (1) ~~The Board DEPARTMENT may establish a fee, not to exceed [\$10]
10 \$75, for issuance or renewal of a teacher certificate.~~

11 (2) ~~The Board DEPARTMENT may not require a fee:~~

12 (i) ~~For the addition of any new area of certification to a currently
13 valid certificate; or~~

14 (ii) ~~Except for the fee authorized under this subsection, for the
15 evaluation of credentials for the certification of teachers.~~

16 **Article - Environment**

17 6-843.

18 (a) (1) Except as provided in this subsection and subsection (b) of this
19 section, and in cooperation with the Department of Housing and Community
20 Development, the State Department of Assessments and Taxation, and other
21 appropriate governmental units, the Department shall provide for the collection of an
22 annual fee for every rental dwelling unit in the State.

23 (2) The annual fee for an affected property is [\$10] \$15.

24 (3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of this
25 paragraph, on or before December 31, 2000, the annual fee for a rental dwelling unit
26 built after 1949 that is not an affected property is \$5. After December 31, 2000, there
27 is no annual fee for a rental dwelling unit built after 1949 that is not an affected
28 property.

29 (ii) The owner of a rental dwelling unit built after 1949 that is not
30 an affected property may not be required to pay the fee provided under this
31 paragraph if the owner certifies to the Department that the rental dwelling unit is
32 lead free pursuant to § 6-804 of this subtitle.

33 (iii) An owner of a rental dwelling unit who submits a report to the
34 Department that the rental dwelling unit is lead free pursuant to § 6-804 of this
35 subtitle shall include a [\$5] \$10 processing fee with the report.

1 (b) The fees imposed under this section do not apply to any rental dwelling
2 unit:

3 (1) Built after 1978; or

4 (2) Owned and operated by a unit of federal, State, or local government,
5 or any public, quasi-public, or municipal corporation.

6 (c) The fee imposed under this section shall be paid on or before December 31,
7 1995, or the date of registration of the affected property under Part III of this subtitle
8 and on or before December 31 of each year thereafter.

9 (d) An owner who fails to pay the fee imposed under this section is liable for a
10 civil penalty of up to triple the amount of each registration fee unpaid that, together
11 with all costs of collection, including reasonable attorney's fees, shall be collected in a
12 civil action in any court of competent jurisdiction.

13 9-1307.

14 (c) A county board of health may establish a permit fee to defray county
15 expenses in inspecting and testing wells. The fee may be charged before a permit
16 required under § 9-1306 of this subtitle is issued. †The fee may not exceed \$80 \$160
17 per well or \$80 \$160 per cluster of wells to be used exclusively to transfer heat to or
18 from the ground or groundwater. ‡ A permit shall be valid for a period of 12 months
19 from the date of issuance by the approved delegated permitting authority.

20 **Article - Health - General**

21 2-104.

22 (N) (1) THE SECRETARY MAY ~~ESTABLISH~~ ADOPT REGULATIONS
23 ESTABLISHING FEES NOT TO EXCEED AN AMOUNT SUFFICIENT TO COVER THE
24 ADMINISTRATIVE COSTS ASSOCIATED WITH:

25 (I) INSPECTIONS OR INVESTIGATIONS CARRIED OUT UNDER THIS
26 ARTICLE; AND

27 (II) PERMITS, LICENSES, CERTIFICATIONS, OR REGISTRATIONS
28 ISSUED UNDER THIS ARTICLE.

29 (2) THE SECRETARY MAY WAIVE ALL OR PART OF ANY FEE
30 ESTABLISHED UNDER THIS SUBSECTION.

31 8-204.

32 (a) The Director is responsible for carrying out the powers, duties, and
33 responsibilities of the Administration.

34 (b) In addition to the powers set forth elsewhere in this title, the Director may:

1 (1) Within the amounts made available by appropriation, gift, or grant,
2 make any agreement or joint financial arrangement to do or have done anything
3 necessary, desirable, or proper to carry out the purposes of this title; and

4 (2) Within the amounts made available by appropriation, employ a staff.

5 (c) In addition to the duties set forth elsewhere in this title, the Director shall:

6 (1) Adopt regulations to carry out the provisions of this title, INCLUDING
7 PROVISIONS SETTING REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF
8 CERTIFICATION FOR THOSE PROGRAMS CERTIFIED TO PERFORM
9 MEDICATION-ASSISTED TREATMENT;

10 (2) Survey and analyze the needs of the State for prevention, diagnosis,
11 and treatment of drug misuse or alcohol misuse;

12 (3) Submit each report that the Secretary, Governor, or General
13 Assembly requests;

14 (4) Gather and disseminate statistics and other information on drug
15 misuse and alcohol misuse and drug misuse and alcohol misuse services;

16 (5) Work cooperatively and coordinate with other State agencies and
17 advisory bodies in carrying out the provisions of this title; and

18 (6) Do anything necessary or proper to carry out the scope of this title.

19 14-403.

20 (a) (3) (i) The Department shall be solely responsible for implementing
21 and enforcing the provisions of this subtitle.

22 (ii) Except as provided in subparagraph [(iv)] (III) of this
23 paragraph, the Secretary may impose a fee for the purpose of inspecting, monitoring,
24 and regulating youth camps [as follows:] IN ACCORDANCE WITH § 2-104 OF THIS
25 ARTICLE.

26 [1. \$75 for day camps;

27 2. \$100 for residential camps;

28 3. \$100 for travel camps; and

29 4. \$100 for trip camps.

30 (iii) All fees shall be paid to the General Fund of the State.

31 (iv)] (III) A camp accredited or certified in accordance with the
32 provisions of subsection (b)(9) of this section may not be charged a fee under the
33 provisions of this [section] ARTICLE.

1 17-103.

2 (a) Except as otherwise provided, the Secretary may set[, by rule or
3 regulation, a reasonable] A fee for any service of a public health and clinical
4 laboratory IN ACCORDANCE WITH § 2-104 OF THIS ARTICLE.

5 (b) The Secretary may not impose any fee for any service of a public health
6 and clinical laboratory in connection with:

7 (1) An examination or analysis of a water supply;

8 (2) An examination or analysis of milk; or

9 (3) An inquiry that any health officer or physician makes about a
10 communicable disease.

11 17-204.

12 The Secretary:

13 (1) Shall set [reasonable] licensing fees IN ACCORDANCE WITH § 2-104
14 OF THIS ARTICLE; and

15 (2) May set a fee for the cytology proficiency testing program.

16 17-207.

17 (a) An applicant for a license shall submit an application to the Secretary on
18 the form that the Secretary requires.

19 (b) An application for a license to operate a medical laboratory shall include:

20 (1) The name of the owner;

21 (2) The classes of services, complexity of testing, or the tests or
22 examinations that the medical laboratory would provide; and

23 (3) Any other information that the Secretary requires.

24 (c) The applicant shall pay to the Department the application fee set by the
25 Secretary IN ACCORDANCE WITH § 2-104 OF THIS ARTICLE.

26 17-506.

27 (a) An applicant for a permit shall submit an application to the Secretary on
28 the form that the Secretary requires.

29 (b) (1) The applicant shall pay to the Department the application fee set by
30 the Secretary IN ACCORDANCE WITH § 2-104 OF THIS ARTICLE.

1 (2) [The fees charged shall be set so as to produce funds sufficient to
2 cover the actual documented direct and indirect cost of administering the permit
3 program.

4 (3)] The Secretary shall waive all permit fees for local and county health
5 departments.

6 (c) The Secretary shall waive all renewal fees for local and county health
7 departments.

8 19-110.

9 (a) Except as expressly provided in this subtitle, the power of the Secretary
10 over plans, proposals, and projects of units in the Department does not include the
11 power to disapprove or modify any regulation, decision, or determination that the
12 Commission makes under authority specifically delegated by law to the Commission.

13 (b) The power of the Secretary to transfer, by rule, regulation, or written
14 directive, any staff, functions, or funds of units in the Department does not apply to
15 any staff, function, or funds of the Commission. ~~FOR FISCAL YEARS 2005 AND 2006~~
16 FISCAL YEAR 2005, THE SECRETARY MAY ASSESS AN ADMINISTRATIVE CHARGE,
17 CONSISTENT WITH THE INDIRECT COST CHARGE ASSESSED TO FEDERAL GRANTS, TO
18 FUND SERVICES PROVIDED TO THE COMMISSION BY THE EXECUTIVE BRANCH.

19 (c) (1) The power of the Secretary over the procurement procedure for units
20 in the Department does not apply to the procurement procedure for the Commission.

21 (2) Subject to the provisions of paragraph (1) of this subsection, any
22 procurement for services to be performed or for supplies to be delivered to the
23 Commission is subject to the purposes and requirements of the State Finance and
24 Procurement Article.

25 19-111.

26 (c) (1) ~~(I) The FOR EACH OF FISCAL YEARS 2005 AND 2006 FISCAL YEAR~~
27 2005, THE total fees assessed by the Commission may not exceed [\$10,000,000]
28 \$11,200,000 ~~in any fiscal year.~~

29 ~~(II) FOR FISCAL YEAR 2007 2006 AND EACH FISCAL YEAR~~
30 THEREAFTER, THE TOTAL FEES ASSESSED BY THE COMMISSION MAY NOT EXCEED
31 \$10,000,000.

32 (2) The fees assessed by the Commission shall be used exclusively to
33 cover the actual documented direct costs of fulfilling the statutory and regulatory
34 duties of the Commission in accordance with the provisions of this subtitle. ~~FOR~~
35 ~~FISCAL YEARS 2005 AND 2006 FISCAL YEAR 2005~~, THE COSTS OF THE COMMISSION
36 INCLUDE THE ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT ON BEHALF
37 OF THE COMMISSION. THE AMOUNT TO BE PAID BY THE COMMISSION TO THE
38 DEPARTMENT FOR ADMINISTRATIVE COSTS WILL BE CALCULATED IN THE SAME

1 MANNER AS INDIRECT COSTS FOR FEDERAL GRANTS, LESS OVERHEAD COSTS PAID
2 DIRECTLY BY THE COMMISSION.

3 (3) The Commission shall pay all funds collected from the fees assessed
4 in accordance with this section into the Fund.

5 (4) The fees assessed may be expended only for purposes authorized by
6 the provisions of this subtitle.

7 (5) The amount in paragraph (1) of this subsection limits only the total
8 fees the Commission may assess in a fiscal year.

9 19-208.

10 (a) The power of the Secretary over plans, proposals, and projects of units in
11 the Department does not include the power to disapprove or modify any decision or
12 determination that the Commission makes under authority specifically delegated by
13 law to the Commission.

14 (b) The power of the Secretary to transfer by rule, regulation, or written
15 directive, any staff, functions, or funds of units in the Department does not apply to
16 any staff, function, or funds of the Commission. ~~FOR FISCAL YEARS 2005 AND 2006~~
17 FISCAL YEAR 2005, THE SECRETARY MAY ASSESS AN ADMINISTRATIVE CHARGE,
18 CONSISTENT WITH THE INDIRECT COST CHARGE ASSESSED TO FEDERAL GRANTS, TO
19 FUND SERVICES PROVIDED TO THE COMMISSION BY THE EXECUTIVE BRANCH.

20 (c) (1) The power of the Secretary over the procurement procedure for units
21 in the Department does not apply to the procurement procedure for the Commission.

22 (2) Subject to the provisions of paragraph (1) of this subsection, any
23 procurement for services to be performed or for supplies to be delivered to the
24 Commission is subject to the purposes and requirements of the State Finance and
25 Procurement Article.

26 19-213.

27 (c) (1) (I) ~~The~~ ~~FOR EACH OF FISCAL YEARS 2005 AND 2006~~ FISCAL YEAR
28 2005, THE total user fees assessed by the Commission may not exceed [\$4,000,000]
29 ~~\$4,500,000 in any fiscal year.~~

30 (II) FOR FISCAL YEAR 2007 2006 AND EACH FISCAL YEAR
31 THEREAFTER, THE TOTAL FEES ASSESSED BY THE COMMISSION MAY NOT EXCEED
32 \$4,000,000.

33 (d) (8) The Fund shall be used only to provide funding for the Commission
34 and for the purposes authorized under this subtitle. ~~FOR FISCAL YEARS 2005 AND 2006~~
35 FISCAL YEAR 2005, THE COSTS OF THE COMMISSION INCLUDE THE ADMINISTRATIVE
36 COSTS INCURRED BY THE DEPARTMENT ON BEHALF OF THE COMMISSION. THE
37 AMOUNT TO BE PAID BY THE COMMISSION TO THE DEPARTMENT FOR
38 ADMINISTRATIVE COSTS WILL BE CALCULATED IN THE SAME MANNER AS INDIRECT

1 COSTS FOR FEDERAL GRANTS, LESS OVERHEAD COSTS PAID DIRECTLY BY THE
2 COMMISSION.

3 21-308.

4 (a) ~~{(1)}~~ For any license issued for which the authority to conduct a program
5 under this subtitle has been delegated to a county health department:

6 ~~{(i)}~~ ~~(1)~~ A county governing body or the Mayor and City Council of
7 Baltimore City may provide for a license fee schedule based on the anticipated cost of
8 licensing, inspecting, and regulating food establishments and may provide for
9 exemptions from the license fee schedule; and

10 ~~{(ii)}~~ ~~(2)~~ All license fees shall be paid to the local health
11 department or chief financial officer of the county governing body or Baltimore City.

12 ~~{(2)}~~ Except in Baltimore City, Montgomery County, and Prince George's
13 County, a license fee under this subsection may not exceed:

14 (i) ~~\$150~~ \$300; or

15 (ii) ~~\$35~~ \$70 for a seasonal food processing operation that:

16 1. Uses only food that is grown on the property of the
17 licensee; and

18 2. Is in operation for not more than a 3-month continuous
19 period in the calendar year.

20 (3) A seasonal food processing operation may obtain a food establishment
21 license for a fee of ~~\$35~~ \$70 under paragraph (2)(ii) of this subsection only twice in a
22 calendar year.}

23 (b) For any other food establishment license[:

24 (1) The Department], THE SECRETARY shall establish a license fee
25 [schedule based on the anticipated cost of licensing, inspecting, and regulating food
26 establishments] IN ACCORDANCE WITH § 2-104 OF THIS ARTICLE.

27 [(2) All fees collected shall go into the General Fund.

28 (3) A license fee may not exceed \$150.]

29 21-309.

30 (d) The Department may renew a license if the licensee:

31 (1) Has complied with this subtitle and the regulations adopted under
32 this subtitle;

1 (2) Submits to the Department a completed renewal application on the
2 form the Department requires;

3 (3) Pays the renewal fee assessed under [§ 21-308] § 2-104 of this
4 [subtitle] ARTICLE, unless exempted from the fee under this subtitle or any
5 regulation adopted under this subtitle; and

6 (4) Agrees to permit access to the food establishment for purposes of any
7 inspection permitted or required under this subtitle.

8 21-331.

9 (c) To apply for a soft drink registration, the manufacturer of the soft drink or
10 a dealer for the manufacturer shall:

11 (1) Submit an application to the Department on the form that the
12 Department requires;

13 (2) List on the application form the flavors of soft drink that the
14 applicant proposes to sell; and

15 (3) Pay to the Department an inspection fee [of \$50] ESTABLISHED BY
16 THE SECRETARY UNDER § 2-104 OF THIS ARTICLE for each flavor.

17 21-336.

18 (c) (1) Except as authorized under subsection (d) of this section, a person
19 may not bottle water unless the person is licensed by the Department under § 21-305
20 of this subtitle.

21 (2) The Department may not issue a license if the Department
22 determines that the water is:

23 (i) Not from an approved source; or

24 (ii) In any way injurious to the public health.

25 (3) To apply for a license to bottle water, a bottler shall:

26 (i) Submit an application to the Department on the form that the
27 Department requires;

28 (ii) List on the application form the types of bottled water that the
29 applicant proposes to bottle; and

30 (iii) Pay to the Department an annual fee established by the
31 [Department that shall be sufficient to cover the administrative costs associated with
32 the provisions of this section] SECRETARY UNDER § 2-104 OF THIS ARTICLE.

33 (4) While it is effective, a license to bottle water authorizes a bottler to
34 bottle and sell in the State the types of bottled water identified in the license.

1 (d) (1) Subject to the requirements of subsection (e) of this section, a person
2 may not sell water in this State that was bottled outside this State unless the person
3 bottling the water has registered the water with the Department.

4 (2) In order to register with the Department, a person shall present to
5 the Department:

6 (i) A statement of acceptability issued by the appropriate
7 approving authority of the state in which the water is collected, demonstrating that:

8 1. The source of the water supply and the method of handling
9 the water, as practiced in that state, are not prejudicial to the public health and the
10 method is at least as stringent as those required under this section; and

11 2. The water is allowed to be sold in the state that issued the
12 statement of acceptability; and

13 (ii) Any other documents related to public health and safety
14 required of a person applying for a license to bottle water in this State.

15 (3) The provisions of this subsection do not prevent the Department from
16 prohibiting the use or sale of bottled water shipped from outside this State, if, in the
17 judgment of the Department:

18 (i) The water is shown by analysis to be unfit for drinking;

19 (ii) The water has been misbranded under § 21-210 of this title; or

20 (iii) Its quality in any way is injured by such handling as may be
21 accorded to it after arriving in this State.

22 (4) [(i) The Department] THE SECRETARY shall establish an annual
23 out-of-state registration fee under this section IN ACCORDANCE WITH § 2-104 OF
24 THIS ARTICLE.

25 [(ii) The out-of-state registration fee shall be sufficient to cover the
26 administrative costs associated with the provisions of this section.]

27 21-412.

28 [(a)] An applicant for a permit shall:

29 (1) Submit an application to the Secretary on the form that the Secretary
30 provides; and

31 (2) Pay to the Secretary [the] AN annual fee [specified in this section]
32 ESTABLISHED BY THE SECRETARY UNDER § 2-104 OF THIS ARTICLE.

33 [(b)] The Secretary shall charge the following fees for permits:

34 (1) Bobtailer permit \$50.

- | | | | | |
|---|-----|--|-------|------------------------|
| 1 | (2) | Bulk milk hauler/sampler permit | ..... | \$50. |
| 2 | (3) | Certified industry dairy farm inspector permit | ..... | \$10. |
| 3 | (4) | Distribution station permit | ..... | \$25. |
| 4 | (5) | Milk processor permit | ..... | \$100. |
| 5 | (6) | Milk producer permit | ..... | No fee. |
| 6 | (7) | Milk transportation company permit | ..... | \$5, plus \$5 for each |
| 7 | | milk tank truck. | | |
| 8 | (8) | Receiving station permit | ..... | \$25. |
| 9 | (9) | Transfer station permit | ..... | \$25.] |

10 21-808.

11 (a) An applicant for a license shall:

12 (1) Submit an application to the Secretary on the form that the Secretary
13 requires; and

14 (2) Pay to the Secretary an application fee ESTABLISHED BY THE
15 SECRETARY UNDER § 2-104 OF THIS ARTICLE.

16 (b) [(1)] The application fee under this section shall be based on:

17 [(i)] (1) If the applicant has a manufacturing facility located in
18 this State, the annual production of any frozen dessert or frozen dessert mix in this
19 State; and

20 [(ii)] (2) If the applicant has a manufacturing facility not located in
21 this State, the annual sales of any frozen dessert or frozen dessert mix in this State.

22 [(2)] The application fee under this section shall be assessed as follows:

- | | | | | |
|----|-------|----------------------------|-------|---------|
| 23 | (i) | 0 to 25,000 gallons | ..... | \$10 |
| 24 | (ii) | 25,001 to 100,000 gallons | ..... | \$50 |
| 25 | (iii) | 100,001 to 250,000 gallons | ..... | .\$100 |
| 26 | (iv) | 250,001 to 500,000 gallons | ..... | \$150 |
| 27 | (v) | Over 500,000 gallons | ..... | \$200.] |

28 (c) For each license for which a person applies, the person shall submit a
29 separate application and pay a separate application fee.

30 (d) The application:

1 (1) Shall be on the form that the Secretary requires; and

2 (2) Shall include:

3 (i) The location of the manufacturing plant at which the frozen
4 dessert or frozen dessert mix is manufactured; and

5 (ii) Any brand name under which the frozen dessert or frozen
6 dessert mix is to be sold.

7 21-812.

8 (a) A license expires on the first anniversary of its effective date, unless the
9 license is renewed for a 1-year term as provided in this section.

10 (b) At least 1 month before the license expires, the Secretary shall send to the
11 licensee, by first class mail to the last known address of the licensee, a renewal notice
12 that states:

13 (1) The date on which the current license expires;

14 (2) The date by which the renewal application must be received by the
15 Secretary for the renewal to be issued and mailed before the license expires; and

16 (3) The amount of the renewal fee.

17 (c) Before a license expires, the licensee periodically may renew it for an
18 additional 1-year term, if the licensee:

19 (1) Otherwise is entitled to a license;

20 (2) Pays to the Secretary a renewal fee ESTABLISHED BY THE
21 SECRETARY UNDER § 2-104 OF THIS ARTICLE; and

22 (3) Submits to the Secretary:

23 (i) A renewal application on the form that the Secretary requires;
24 and

25 (ii) Satisfactory evidence of compliance with the requirements of
26 this section for renewal.

27 (d) [(1)] The renewal fee under this section shall be based on:

28 [(i)] (1) If the licensee has a manufacturing facility located in this
29 State, the annual production of any frozen dessert or frozen dessert mix in this State;
30 and

31 [(ii)] (2) If the licensee has a manufacturing facility not located in
32 this State, the annual sales of any frozen dessert or frozen dessert mix in this State.

1 [(2) The annual fee under this section shall be assessed as follows:

- | | | | | |
|---|-------|----------------------------|-------|---------|
| 2 | (i) | 0 to 25,000 gallons | ..... | \$10 |
| 3 | (ii) | 25,001 to 100,000 gallons | ..... | \$50 |
| 4 | (iii) | 100,001 to 250,000 gallons | ..... | \$100 |
| 5 | (iv) | 250,001 to 500,000 gallons | ..... | \$150 |
| 6 | (v) | Over 500,000 gallons | ..... | \$200.] |

7 (e) The Secretary shall renew the license of each licensee who meets the
8 requirements of this section.

9 (f) A license is not transferable.

10 24-407.

11 (a) To apply for a license, an applicant shall:

12 (1) Submit to the Department an application on the form that the
13 Department requires; and

14 (2) Pay to the Department an application fee [of \$50] ESTABLISHED BY
15 THE SECRETARY UNDER § 2-104 OF THIS ARTICLE.

16 (b) The Department shall waive the license fee for any manufacturer of
17 decorative pillows that:

- 18 (1) Are made by needlepoint or by hand; and
- 19 (2) Are sold for use only by:
- 20 (i) Nursing homes;
- 21 (ii) Churches; or
- 22 (iii) Other nonprofit organizations.

23 **Article - State Government**

24 9-1604.

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

- 26 (i) serve as an administrative law judge in a contested case;
- 27 (ii) furnish administrative law judges on a contractual basis to
28 other governmental entities;

1 (iii) accept and expend funds, grants, and gifts and accept services
2 from any public or private source;

3 (iv) enter into agreements and contracts with any public or private
4 agencies or educational institutions;

5 (v) adopt regulations to implement this subtitle; and

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

7 1. to file an appeal, a fee not exceeding [~~\$15~~] ~~\$50~~; and;

8 A. \$125 FOR AN APPEAL OF A DRIVER'S LICENSE SUSPENSION
9 OR REVOCATION RELATED TO A VIOLATION OF THE MARYLAND VEHICLE LAW; AND

10 B. \$50 FOR ALL OTHER TYPES OF APPEALS; AND

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

12 (2) Fees charged under paragraph (1) of this subsection for
13 administrative expenses may not be charged to:

14 (i) State agencies; or

15 (ii) petitioners who are determined by the Office of Administrative
16 Hearings to be unable to pay the fees.

17 (3) A fee charged under paragraph (1) of this subsection for filing an
18 appeal shall be refunded to a party who initiates the appeal if the party receives a
19 favorable decision from the administrative law judge.

20 **Article - Tax - General**

21 7-309.

22 (a) Notwithstanding an Act of Congress that repeals or reduces the federal
23 credit under § 2011 of the Internal Revenue Code, the provisions of this subtitle in
24 effect before the passage of the Act of Congress shall apply with respect to a decedent
25 who dies after the effective date of the Act of Congress so as to continue the Maryland
26 estate tax in force without reduction in the same manner as if the federal credit had
27 not been repealed or reduced.

28 (b) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of
29 this subsection, after the effective date of an Act of Congress described in subsection
30 (a) of this section, the Maryland estate tax shall be determined using:

31 (i) the federal credit allowable by § 2011 of the Internal Revenue
32 Code as in effect before the reduction or repeal of the federal credit pursuant to the
33 Act of Congress; and

1 (ii) other provisions of federal estate tax law[, including the
2 applicable unified credit allowed against the federal estate tax,] as in effect on the
3 date of the decedent's death.

4 (2) [If] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
5 IF the federal estate tax is not in effect on the date of the decedent's death, the
6 Maryland estate tax shall be determined using:

7 (i) the federal credit allowable by § 2011 of the Internal Revenue
8 Code as in effect before the reduction or repeal of the federal credit pursuant to the
9 Act of Congress; and

10 (ii) other provisions of federal estate tax law[, including the
11 applicable unified credit allowed against the federal estate tax,] as in effect on the
12 date immediately preceding the effective date of the repeal of the federal estate tax.

13 (3) (I) NOTWITHSTANDING ANY INCREASE IN THE UNIFIED CREDIT
14 ALLOWED AGAINST THE FEDERAL ESTATE TAX FOR DECEDENTS DYING AFTER 2003,
15 THE UNIFIED CREDIT USED FOR DETERMINING THE MARYLAND ESTATE TAX MAY
16 NOT EXCEED THE APPLICABLE CREDIT AMOUNT CORRESPONDING TO AN
17 APPLICABLE EXCLUSION AMOUNT OF \$1,000,000 WITHIN THE MEANING OF § 2010(C)
18 OF THE INTERNAL REVENUE CODE.

19 (II) THE MARYLAND ESTATE TAX SHALL BE DETERMINED WITHOUT
20 REGARD TO ANY DEDUCTION FOR STATE DEATH TAXES ALLOWED UNDER § 2058 OF
21 THE INTERNAL REVENUE CODE.

22 (4) IF A FEDERAL ESTATE TAX RETURN IS NOT REQUIRED TO BE FILED,
23 THE PERSON RESPONSIBLE FOR PAYING THE INHERITANCE TAX ON PROPERTY THAT
24 PASSES FROM A DECEDENT UNDER SUBTITLE 2 OF THIS TITLE IS RESPONSIBLE FOR
25 FILING A MARYLAND ESTATE TAX RETURN AND PAYING THE MARYLAND ESTATE TAX
26 IMPOSED ON THE TRANSFER OF THE MARYLAND ESTATE OF THE DECEDENT.

27 10-106.1.

28 (A) AN INDIVIDUAL SUBJECT TO THE STATE INCOME TAX UNDER § 10-105(A)
29 OF THIS SUBTITLE, BUT NOT SUBJECT TO THE COUNTY INCOME TAX UNDER § 10-106
30 OF THIS SUBTITLE, SHALL BE SUBJECT TO THE TAX IMPOSED UNDER THIS SECTION.

31 (B) THE RATE OF THE TAX IMPOSED UNDER THIS SECTION SHALL BE EQUAL
32 TO THE LOWEST COUNTY INCOME TAX RATE SET BY ANY MARYLAND COUNTY IN
33 ACCORDANCE WITH § 10-106 OF THIS SUBTITLE.

34 (C) THE TAX IMPOSED UNDER THIS SECTION SHALL BE DISTRIBUTED BY THE
35 COMPTROLLER IN ACCORDANCE WITH § 2-609 OF THIS ARTICLE.

36 10-108.

37 (a) Except as provided in subsection (c) of this section and unless expressly
38 provided otherwise by law, an amendment of the Internal Revenue Code that, for a

1 taxable year that begins in the calendar year in which the amendment is enacted,
2 affects the determination of federal adjusted gross income or federal taxable income,
3 does not affect the determination of Maryland taxable income under this title for any
4 taxable year that begins in the calendar year in which the amendment is enacted.

5 (b) Within 60 days after an amendment of the Internal Revenue Code is
6 enacted, the Comptroller shall prepare and submit to the Governor and, subject to §
7 2-1246 of the State Government Article, the President of the Senate and the Speaker
8 of the House a report that outlines:

9 (1) the changes in the Internal Revenue Code; and

10 (2) the impact of those changes on State revenue and on various classes
11 and types of taxpayers.

12 (c) Subsection (a) of this section does not apply to an amendment of the
13 Internal Revenue Code if the Comptroller determines that the impact of the
14 amendment on State income tax revenue for the fiscal year that begins during the
15 calendar year in which the amendment is enacted will be less than \$5,000,000.

16 10-210.1.

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

19 (2) "DEPRECIATION" INCLUDES ANY DEDUCTION ALLOWED UNDER § 179
20 OF THE INTERNAL REVENUE CODE.

21 (3) "HEAVY DUTY SUV" MEANS A 4-WHEELED VEHICLE THAT:

22 (I) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS,
23 ROADS, AND HIGHWAYS;

24 (II) IS RATED AT MORE THAN 6,000 BUT NOT MORE THAN 14,000
25 POUNDS GROSS VEHICLE WEIGHT; AND

26 (III) WOULD BE A PASSENGER AUTOMOBILE AS DEFINED IN § 280F
27 OF THE INTERNAL REVENUE CODE IF IT WERE RATED AT 6,000 POUNDS GROSS
28 VEHICLE WEIGHT OR LESS.

29 (B) In addition to the modifications under §§ 10-204 through 10-210 of this
30 subtitle, to determine Maryland adjusted gross income of an individual:

31 (1) an amount is added to or subtracted from federal adjusted gross
32 income to reflect the determination of the depreciation deduction provided under §
33 167(a) of the Internal Revenue Code and the adjusted basis of property without
34 regard to the additional allowance under § 168(k) of the Internal Revenue Code;
35 [and]

1 (2) an amount is added to or subtracted from federal adjusted gross
 2 income to determine the net operating loss deduction allowed under § 172 of the
 3 Internal Revenue Code without regard to the special 5-year carryback period
 4 provided under § 172(b)(1)(h) of the Internal Revenue Code;

5 (3) AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL
 6 ADJUSTED GROSS INCOME TO REFLECT THE DETERMINATION OF THE MAXIMUM
 7 AGGREGATE COSTS THAT THE TAXPAYER MAY TREAT AS AN EXPENSE UNDER § 179
 8 OF THE INTERNAL REVENUE CODE FOR ANY TAXABLE YEAR WITHOUT REGARD TO
 9 THE CHANGES MADE TO THAT SECTION BY THE FEDERAL JOBS AND GROWTH TAX
 10 RELIEF RECONCILIATION ACT OF 2003 (P.L. 108-27); AND

11 (4) AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL
 12 ADJUSTED GROSS INCOME TO REFLECT THE DETERMINATION OF THE
 13 DEPRECIATION DEDUCTION WITH RESPECT TO ANY HEAVY DUTY SUV AS IF THE
 14 HEAVY DUTY SUV WERE SUBJECT TO THE LIMITATIONS OF § 280F OF THE INTERNAL
 15 REVENUE CODE IN THE SAME MANNER AS IT WOULD BE IF THE VEHICLE WERE
 16 RATED AT 6,000 POUNDS GROSS VEHICLE WEIGHT OR LESS.

17 10-310.

18 In addition to the modifications under §§ 10-305 through 10-309 of this
 19 subtitle, to determine Maryland modified income the federal taxable income of a
 20 corporation shall be adjusted as provided for an individual under § 10-210.1 of this
 21 title.

22 11-105.

23 (a) Except as provided in ~~subsection (b)~~ SUBSECTIONS (B) AND (C) of this
 24 section, a person who timely files a sales and use tax return is allowed, for the
 25 expense of collecting and paying the tax, a credit equal to 0.9% of the gross amount of
 26 sales and use tax that the person is to pay to the Comptroller.

27 **{**(b) (1) Subject to paragraph (2) of this subsection, the credit allowed under
 28 this section is 1.2% of the first \$6,000 of the gross amount of sales and use tax that
 29 the person is to pay with each return.

30 (2) For a vendor who files or is eligible to file a consolidated return under
 31 § 11-502 of this title, the credit allowed under paragraph (1) of this subsection is 1.2%
 32 of the first \$6,000 of the gross amount of sales and use tax that the person is or would
 33 be required to pay with the consolidated return.}

34 ~~(B) FROM JULY 1, 2004 THROUGH JUNE 30, 2005, THE AMOUNT OF CREDIT~~
 35 ~~ALLOWABLE UNDER SUBSECTION (A) OF THIS SECTION IS 0.5%.~~

36 (C) FROM JULY 1, 2004 THROUGH JUNE 30, 2006:

37 (1) THE CREDIT ALLOWED UNDER SUBSECTION (A) OF THIS SECTION IS
 38 0.45% OF THE GROSS AMOUNT OF SALES AND USE TAX THAT THE PERSON IS TO PAY
 39 TO THE COMPTROLLER; AND

1 (2) THE CREDIT ALLOWED UNDER SUBSECTION (B) IS:

2 (I) 0.6% OF THE FIRST \$6,000 OF THE GROSS AMOUNT OF SALES
3 AND USE TAX THAT THE PERSON IS TO PAY WITH EACH RETURN; OR

4 (II) FOR A VENDOR DESCRIBED IN SUBSECTION (B)(2) OF THIS
5 SECTION, 0.6% OF THE FIRST \$6,000 OF THE GROSS AMOUNT OF SALES AND USE TAX
6 THAT THE PERSON IS OR WOULD BE REQUIRED TO PAY WITH THE CONSOLIDATED
7 RETURN.

8 ~~11-206.~~

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

10 (2) "Food for immediate consumption" means:

11 (i) food obtained from a salad, soup, or dessert bar;

12 (ii) party platters;

13 (iii) heated food;

14 (iv) sandwiches suitable for immediate consumption; or

15 (v) ice cream, frozen yogurt, and other frozen desserts, sold in
16 containers of less than 1 pint.

17 (3) "Facility for food consumption" does not include parking spaces for
18 vehicles as the sole accommodation.

19 (4) (i) "Food" means food for human consumption.

20 (ii) "Food" includes the following foods and their products:

21 1. beverages, including coffee, coffee substitutes, cocoa, fruit
22 juices, and tea;

23 2. condiments;

24 3. eggs;

25 4. fish, meat, and poultry;

26 5. fruit, grain, and vegetables;

27 6. milk, including ice cream; and

28 7. sugar.

29 (iii) "Food" does not include:

30 1. an alcoholic beverage as defined in § 5-101 of this article;

1 ~~2. a soft drink or carbonated beverage; or~~

2 ~~3. candy or confectionery.~~

3 (5) ~~"Premises" includes any building, grounds, parking lot, or other area~~
4 ~~that:~~

5 ~~(i) a food vendor owns or controls; or~~

6 ~~(ii) another person makes available primarily for the use of the~~
7 ~~patrons of 1 or more food vendors.~~

8 (6) ~~"SNACK FOOD" MEANS:~~

9 ~~(I) POTATO CHIPS AND STICKS;~~

10 ~~(II) CORN CHIPS, INCLUDING TORTILLA CHIPS;~~

11 ~~(III) PRETZELS;~~

12 ~~(IV) CHEESE PUFFS AND CURLS;~~

13 ~~(V) PORK RINDS;~~

14 ~~(VI) EXTRUDED PRETZELS AND CHIPS;~~

15 ~~(VII) POPPED POPCORN;~~

16 ~~(VIII) NUTS AND EDIBLE SEEDS; OR~~

17 ~~(IX) SNACK MIXTURES THAT CONTAIN ANY ONE OR MORE OF THE~~
18 ~~FOODS LISTED IN ITEMS (I) THROUGH (VIII) OF THIS PARAGRAPH.~~

19 ~~(7) "Substantial grocery or market business" means a business at which~~
20 ~~at least 10% of all sales of food are sales of grocery or market food items, not including~~
21 ~~food normally consumed on the premises even though it is packaged to carry out.~~

22 (b) ~~The sales and use tax does not apply to a sale of food stamp eligible food, as~~
23 ~~defined in 7 U.S.C. § 2012, bought with a food coupon issued in accordance with 7~~
24 ~~U.S.C. § 2016.~~

25 (c) ~~(1) Except as provided in paragraph (2) of this subsection, the sales and~~
26 ~~use tax does not apply to a sale of food for consumption off the premises by a food~~
27 ~~vendor who operates a substantial grocery or market business at the same location~~
28 ~~where the food is sold.~~

29 (2) ~~The exemption under paragraph (1) of this subsection does not apply~~
30 ~~to:~~

31 ~~(i) food that the vendor serves for consumption on the premises of~~
32 ~~the buyer or of a third party; [or]~~

- 1 (ii) ~~food for immediate consumption; OR~~
- 2 (III) ~~SNACK FOOD.~~
- 3 (d) ~~The sales and use tax does not apply to:~~
- 4 (1) ~~a sale of food:~~
- 5 (i) ~~to patients in a hospital when the food charge is included in the~~
6 ~~regular room rate;~~
- 7 (ii) ~~by a church or religious organization;~~
- 8 (iii) ~~by a school other than an institution of postsecondary~~
9 ~~education, including sales at a school by a food concessionaire that is under contract~~
10 ~~with the school or with its designated contract agent, but not including sales at events~~
11 ~~that are not sponsored by the school or are not educationally related;~~
- 12 (iv) ~~to students at an institution of postsecondary education if the~~
13 ~~food charge is for a meal plan or is included in the regular charge for room and board;~~
14 ~~or~~
- 15 (v) ~~by a nonprofit food vendor if there are no facilities for food~~
16 ~~consumption on the premises, unless the food is sold within an enclosure for which a~~
17 ~~charge is made for admission;~~
- 18 (2) ~~if the proceeds of the sale are used to support a bona fide nationally~~
19 ~~organized and recognized organization of veterans of the armed forces of the United~~
20 ~~States or auxiliary of the organization or 1 of its units, a sale of food or meals for~~
21 ~~consumption only on the premises, served by the organization or auxiliary; or~~
- 22 (3) ~~if the proceeds of the sale are used to support a volunteer fire~~
23 ~~company or department or its auxiliary or a volunteer ambulance company or rescue~~
24 ~~squad or its auxiliary, a sale of food served by the company, department, squad, or~~
25 ~~auxiliary.~~
- 26 (e) ~~The sales and use tax does not apply to a sale of food or any beverage in a~~
27 ~~vehicle that is being operated in the State while in the course of interstate commerce.~~
- 28 (f) ~~The sales and use tax does not apply to a sale for consumption off the~~
29 ~~premises of:~~
- 30 (1) ~~crabs; or~~
- 31 (2) ~~seafood that is not prepared for immediate consumption.~~
- 32 (g) (1) ~~In this subsection, "snack food" means:~~
- 33 (i) ~~potato chips and sticks;~~
- 34 (ii) ~~corn chips;~~

- 1 ~~(iii)~~ ~~pretzels;~~
- 2 ~~(iv)~~ ~~cheese puffs and curls;~~
- 3 ~~(v)~~ ~~pork rinds;~~
- 4 ~~(vi)~~ ~~extruded pretzels and chips;~~
- 5 ~~(vii)~~ ~~popped popcorn;~~
- 6 ~~(viii)~~ ~~nuts and edible seeds; or~~
- 7 ~~(ix)~~ ~~snack mixtures that contain any one or more of the foods listed~~
- 8 ~~in items (i) through (viii) of this paragraph.~~
- 9 ~~(2)~~ ~~The sales and use tax does not apply to the sale of snack food through~~
- 10 ~~a vending machine.~~
- 11 ~~(h)]~~ ~~(G)~~ ~~The sales and use tax does not apply to the sale through a vending~~
- 12 ~~machine of milk, fresh fruit, fresh vegetables, or yogurt.~~

13 Article - Tax - Property

14 14-704.

15 (a) (1) If the annual report is not submitted as required by § 11-101 of this

16 article, the Department shall assess:

17 (i) an initial tax penalty not exceeding 1/10 of 1% of the total

18 county assessment in all counties where property is located; and

19 (ii) an additional penalty of 2% of the initial tax penalty for each 30

20 days or fraction of a 30-day period that the report is not submitted.

21 (2) The initial penalty under paragraph (1) of this subsection may not be

22 more than \$500 or less than:

23 (i) \$30 if 1 to 15 days late;

24 (ii) \$40 if 16 to 30 days late; or

25 (iii) \$50 if over 30 days late.

26 (b) The Department may abate or reduce the tax penalty under subsection (a)

27 of this section when good cause is shown.

28 (c) [If a person submits a request on or before April 15 of the year in which

29 the report is due, the] THE Department may extend [for a period not exceeding 60

30 days] the date for submitting the report UNTIL JUNE 15 OF THE YEAR IN WHICH THE

31 REPORT IS DUE IF A PERSON SUBMITS A REQUEST:

1 (1) ELECTRONICALLY ON OR BEFORE APRIL 15 OF THE YEAR IN WHICH
2 THE REPORT IS DUE; OR

3 (2) BY PAPER DOCUMENT ON OR BEFORE MARCH 15 OF THE YEAR IN
4 WHICH THE REPORT IS DUE.

5 (D) (1) ANY EXTENSION REQUEST SUBMITTED BY PAPER DOCUMENT MUST
6 BE ACCOMPANIED BY THE FEE SPECIFIED IN § 1-203 OF THE CORPORATIONS AND
7 ASSOCIATIONS ARTICLE.

8 (2) EXTENSIONS ARE NOT ACCEPTED BY FACSIMILE.

9 Article - Transportation

10 13-939.1.

11 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, FOR A RENTAL
12 VEHICLE AS DEFINED IN § 11-178 OF THIS ARTICLE, THE ANNUAL REGISTRATION FEE
13 IS:

14 (1) FOR A CLASS A (PASSENGER) VEHICLE WITH A MANUFACTURER'S
15 SHIPPING WEIGHT OF:

16 (I) 3,700 POUNDS OR LESS - \$27.00; AND

17 (II) MORE THAN 3,700 POUNDS - \$40.50;

18 (2) FOR A CLASS E (TRUCK) VEHICLE WITH A MANUFACTURER'S RATED
19 CAPACITY OF 3/4 TON OR LESS AND A MAXIMUM GROSS VEHICLE WEIGHT OF 7,000
20 POUNDS OR LESS - \$33.75;

21 (3) NOTWITHSTANDING ITEM (2) OF THIS SECTION, FOR A CLASS E
22 (TRUCK) VEHICLE:

23 WITH MAXIMUM GROSS WEIGHT FEE (PER 1,000 POUNDS
24 LIMIT (IN POUNDS) OR FRACTION THEREOF)

25	<u>10,000 (MINIMUM) - 18,000</u>	<u>\$4.75</u>
26	<u>18,001 - 26,000</u>	<u>7.50</u>
27	<u>26,001 - 40,000</u>	<u>8.50</u>
28	<u>40,001 - 60,000</u>	<u>10.50</u>
29	<u>60,001 - 80,000 (MAXIMUM)</u>	<u>11.75;</u>

30 (4) FOR A CLASS F (TRACTOR) VEHICLE BASED ON THE MAXIMUM GROSS
31 WEIGHT OF THE VEHICLE IN COMBINATION WITH A TRAILER OR SEMITRAILER AS
32 FOLLOWS:

33 MAXIMUM GROSS WEIGHT FEE (PER 1,000 POUNDS
34 LIMIT (IN POUNDS) OR FRACTION THEREOF)

1	<u>40,000 (MINIMUM) - 60,000</u>	<u>\$14.50</u>
2	<u>60,001 - 80,000 OR MORE</u>	<u>16.00;</u>

3 (5) FOR A CLASS G (TRAILER) VEHICLE BASED ON THE MAXIMUM GROSS
 4 WEIGHT AS FOLLOWS:

5 (I) FOR A NONFREIGHT TRAILER OR SEMITRAILER:

6	<u>MAXIMUM GROSS WEIGHT</u>	
7	<u>LIMIT (IN POUNDS)</u>	<u>FEE</u>
8	<u>3,000 OR LESS</u>	<u>\$13.50</u>
9	<u>3,001 - 5,000</u>	<u>27.00</u>
10	<u>5,001 - 10,000</u>	<u>47.25</u>
11	<u>10,001 - 20,000</u>	<u>81.00; AND</u>

12 (II) FOR A FREIGHT TRAILER OR SEMITRAILER - \$20.25; AND

13 (6) FOR A CLASS M (MULTIPURPOSE) VEHICLE WITH A
 14 MANUFACTURER'S SHIPPING WEIGHT OF:

15 (I) 3,700 POUNDS OR LESS - \$27.00; AND

16 (II) MORE THAN 3,700 POUNDS - \$40.50.

17 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That the Laws of
 18 Maryland read as follows:

19 **Article - Health - General**

20 7-517.

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

23 (2) "INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED
 24 ("ICF-MR)" MEANS A STATE RESIDENTIAL CENTER FOR INDIVIDUALS WITH MENTAL
 25 RETARDATION.

26 (3) "ICF-MR INCOME" MEANS ALL REVENUES RECEIVED BY AN ICF-MR
 27 FROM ANY SOURCE PROVIDING ICF-MR SERVICES TO RESIDENTS OF THE FACILITY.

28 (B) (1) EACH ICF-MR OPERATING IN MARYLAND IS SUBJECT TO AN
 29 ASSESSMENT OF 6% OF ALL ICF-MR INCOME.

30 (2) THE ASSESSMENT REQUIRED BY THIS SECTION SHALL:

31 (I) BE PAID BY EACH ICF-MR IN ACCORDANCE WITH THIS
 32 SECTION; OR

1 (II) TERMINATE IF THE ASSESSMENT IS NOT PERMISSIBLE UNDER
2 SECTION 1903(W) OF THE SOCIAL SECURITY ACT.

3 (C) ON OR BEFORE THE 15TH DAY OF EACH QUARTER OF THE STATE FISCAL
4 YEAR, EACH ICF-MR SHALL PAY TO THE DEPARTMENT 6% OF THE ICF-MR INCOME
5 RECEIVED DURING THE PREVIOUS FISCAL QUARTER.

6 (D) FOR FISCAL YEAR 2004, THE ASSESSMENT REQUIRED BY THIS SECTION
7 SHALL BE PAID ON OR BEFORE JUNE 20, 2004, BASED ON THE ICF-MR INCOME
8 RECEIVED DURING THE PERIOD FROM APRIL 1, 2003 THROUGH MARCH 31, 2004.

9 ~~(D)~~ (E) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
10 SECTION.

11 ~~19-1416.~~

12 (A) ~~IN THIS SECTION:~~

13 (1) ~~EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, "NURSING~~
14 ~~FACILITY" HAS THE MEANING STATED IN § 19-301 OF THIS TITLE; AND~~

15 (2) ~~"NURSING FACILITY" DOES NOT INCLUDE A CONTINUING CARE~~
16 ~~FACILITY WITHIN THE MEANING OF ARTICLE 70B, § 7 OF THE CODE.~~

17 (B) (1) ~~ALL NURSING FACILITIES OPERATING IN MARYLAND ARE SUBJECT~~
18 ~~TO AN ASSESSMENT OF \$1,200 PER LICENSED BED PER YEAR.~~

19 (2) ~~THE ASSESSMENT REQUIRED BY THIS SECTION SHALL:~~

20 (I) ~~BE PAID BY THE NURSING FACILITIES IN ACCORDANCE WITH~~
21 ~~THIS SECTION; AND~~

22 (II) ~~TERMINATE AND MAY NOT BE ASSESSED IF:~~

23 1. ~~THE ASSESSMENT IS NOT PERMISSIBLE UNDER SECTION~~
24 ~~1903(W) OF THE SOCIAL SECURITY ACT; OR~~

25 2. ~~THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID~~
26 ~~SERVICES DO NOT APPROVE THE EXCLUSION OF CONTINUING CARE FACILITIES~~
27 ~~FROM THE DEFINITION OF "NURSING FACILITY" UNDER THIS SECTION.~~

28 (C) (1) ~~ON OR BEFORE THE 15TH DAY OF EACH QUARTER OF THE STATE~~
29 ~~FISCAL YEAR, EACH NURSING FACILITY SHALL PAY TO THE COMPTROLLER \$300 PER~~
30 ~~LICENSED BED ON THE FIRST DAY OF THE PREVIOUS FISCAL QUARTER.~~

31 (2) ~~UPON REQUEST BY THE DEPARTMENT, A NURSING FACILITY SHALL~~
32 ~~PROVIDE VERIFICATION, IN A MANNER PRESCRIBED BY THE DEPARTMENT, OF:~~

33 (I) ~~THE AMOUNT PAID BY THE NURSING HOME; AND~~

1 (H) ~~THE NUMBER OF LICENSED BEDS UPON WHICH PAYMENT OF~~
2 ~~THE ASSESSMENT WAS CALCULATED.~~

3 (D) ~~IF A NURSING FACILITY FAILS TO PAY THE FULL ASSESSMENT DUE TO~~
4 ~~THE COMPTROLLER IN A TIMELY FASHION, THE COMPTROLLER MAY IMPOSE A FINE~~
5 ~~OF UP TO \$1,000 PER DAY FOR EACH DAY THAT ALL OR PART OF THE PAYMENT IS~~
6 ~~DELINQUENT.~~

7 (E) (1) ~~IF A NURSING FACILITY CHANGES OWNERSHIP WITHOUT PAYING~~
8 ~~ALL ASSESSMENTS DUE AND OWING UNDER THIS SECTION, THE NEW OWNER SHALL~~
9 ~~ASSUME THE OBLIGATION TO PAY ALL ASSESSMENTS DUE AND OWING.~~

10 (2) ~~THE DEPARTMENT MAY WAIVE THE REQUIRED ASSESSMENT IF THE~~
11 ~~NEW OWNER DEMONSTRATES GOOD CAUSE.~~

12 (F) ~~THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~
13 ~~SECTION.~~

14 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Department of~~
15 ~~Health and Mental Hygiene shall submit a request to the federal Centers for~~
16 ~~Medicare and Medicaid Services for permission to exclude continuing care facilities~~
17 ~~from the definition of nursing facilities for purposes of the assessment under §~~
18 ~~19-1416 of the Health - General Article, as enacted by Section 2 of this Act.~~

19 ~~SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
20 ~~other provision of law, the proceeds (net of the expenses directly related to the sale)~~
21 ~~obtained from the sale of the vessel known as Maryland Independence shall be~~
22 ~~deposited into the General Fund on or before June 30, 2004.~~

23 ~~SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
24 ~~other provision of law, if, between June 1, 2004 and June 30, 2005, executive branch~~
25 ~~agencies dispose of passenger vehicles that are not essential to core business~~
26 ~~functions, the proceeds of the sale (net of costs directly related to the sale) of excess~~
27 ~~vehicles shall be deposited into the General Fund unless otherwise required by~~
28 ~~federal law or regulation. This provision does not apply to vehicles that are necessary~~
29 ~~to operations and for which replacement vehicles are required.~~

30 ~~SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
31 ~~provisions of § 8-204 of the Public Safety Article or any other provision of law, in~~
32 ~~fiscal years 2005, 2006, and 2007, loan repayments from the Volunteer Company~~
33 ~~Assistance Fund may be used for the purpose of providing grants to the Maryland~~
34 ~~State Firemen's Association for administrative expenses and grants to widows and~~
35 ~~orphans.~~

36 ~~SECTION 9. AND BE IT FURTHER ENACTED, That:~~

37 (a) ~~In addition to the distributions provided by § 2-606 of the Tax - General~~
38 ~~Article, on or before August 30, 2004, the Comptroller shall distribute from the~~
39 ~~unallocated individual revenue account:~~

1 (1) \$81,000,000 to counties, municipalities, and special taxing districts,
 2 apportioned as described in § 2-606(c) of the Tax - General Article and based on the
 3 income tax collected for calendar year 2002; and

4 (2) \$81,000,000 to the General Fund of the State.

5 (b) The amount distributed to the General Fund of the State shall be
 6 subtracted from the State's liability to counties, municipalities, and special taxing
 7 districts for distributions of unallocated income tax revenue, and the State shall have
 8 no further liability for this amount.

9 SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the
 10 provisions of § 16-317 of the Education Article or Chapter 440 of the Acts of 2002, as
 11 amended by Chapter 203 of the Acts of 2003, or any other provision of law, the
 12 payments for fiscal year 2005 to eligible institutions required under § 16-317 of the
 13 Education Article shall be as follows:

14 <u>Allegany</u>	<u>\$66,500</u>
15 <u>Anne Arundel</u>	<u>87,869</u>
16 <u>Baltimore City</u>	<u>57,120</u>
17 <u>Carroll</u>	<u>68,626</u>
18 <u>Cecil</u>	<u>96,713</u>
19 <u>Prince Frederick</u>	<u>81,464</u>
20 <u>La Plata</u>	<u>34,260</u>
21 <u>Leonardtwn</u>	<u>54,983</u>
22 <u>Chesapeake</u>	<u>75,551</u>
23 <u>Catonsville</u>	<u>59,394</u>
24 <u>Dundalk</u>	<u>79,090</u>
25 <u>Essex</u>	<u>60,338</u>
26 <u>Frederick</u>	<u>97,846</u>
27 <u>Garrett</u>	<u>95,897</u>
28 <u>Hagerstown</u>	<u>85,460</u>
29 <u>Harford</u>	<u>100,542</u>
30 <u>Howard</u>	<u>100,816</u>
31 <u>Germantown</u>	<u>51,674</u>
32 <u>Rockville</u>	<u>57,286</u>
33 <u>Takoma Park</u>	<u>83,467</u>
34 <u>Prince George's</u>	<u>101,253</u>
35 <u>Wor-Wic</u>	<u>36,233</u>

36 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the
 37 provisions of § 16-305 of the Education Article or any other provision of law, in fiscal
 38 year 2005, each Board that received funding under § 16-305(c)(6)(ii) of the Education
 39 Article in fiscal year 2004 shall receive the same share of the size factor in fiscal year
 40 2005.

41 SECTION 12. AND BE IT FURTHER ENACTED, That a closing balance of at
 42 least \$62,000,000 shall be retained in the Annuity Bond Fund for fiscal year 2005.

1 SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding §
2 13-1115 of the Health - General Article, for fiscal year 2005 only the amount of each
3 Statewide Academic Health Center Public Health Grant distributed to the University
4 of Maryland Medical Group or The Johns Hopkins Institutions, respectively, shall be
5 \$1,218,000.

6 SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding §
7 13-209(e) of the Tax - Property Article or any other provision of law, if the actual
8 transfer tax revenue collections for fiscal 2004 exceed the revenue estimates for fiscal
9 2004 by more than \$41,886,000, the first \$750,000 \$1,500,000 of the excess over
10 \$41,886,000 shall be distributed to Baltimore City to be used for park operations in
11 accordance with § 5-903(a)(2)(ii) of the Natural Resources Article. A distribution to
12 Baltimore City under this section shall be implemented by budget amendment during
13 fiscal 2005.

14 SECTION 15. AND BE IT FURTHER ENACTED, That Section(s) 4.2 of Article
15 49D - Office for Children, Youth, and Families of the Annotated Code of Maryland be
16 repealed. Any balance remaining in the Subcabinet for Children, Youth, and Families
17 Resource Fund on June 30, 2004 shall revert to the General Fund. On and after July
18 1, 2004, any moneys by law otherwise to be paid or credited to the Subcabinet for
19 Children, Youth, and Families Resource Fund shall be paid or credited to the
20 Subcabinet Fund established under Article 49D, § 4.3 of the Code.

21 SECTION 16. AND BE IT FURTHER ENACTED, That Section(s) 90 through 95
22 and the subheading "Maryland Individual Development Accounts" of Article 88A -
23 Human Resources of the Annotated Code of Maryland be repealed.

24 SECTION ~~16~~ 17. AND BE IT FURTHER ENACTED, That Section(s) 5-216 of
25 Article - Education of the Annotated Code of Maryland be repealed.

26 SECTION ~~17~~ 18. AND BE IT FURTHER ENACTED, That Section(s) 24-810 of
27 Article - Health - General of the Annotated Code of Maryland be repealed.

28 SECTION ~~18~~ 19. AND BE IT FURTHER ENACTED, That Section(s) 8-206 and
29 8-207 of Article - Public Safety of the Annotated Code of Maryland be repealed.

30 SECTION ~~19~~ 20. AND BE IT FURTHER ENACTED, That Section(s) 2 of
31 Chapter 177 of the Acts of the General Assembly of 1997 be repealed.

32 SECTION ~~20~~ 21. AND BE IT FURTHER ENACTED, That Section(s) 2 of
33 Chapter 178 of the Acts of the General Assembly of 1997 be repealed.

34 SECTION 22. AND BE IT FURTHER ENACTED, That, on or before November
35 1, 2004, the Department of Housing and Community Development, the Public Service
36 Commission, and the Department of Human Resources, in accordance with § 2-1246
37 of the State Government Article, shall submit to the Senate Budget and Taxation
38 Committee, the Senate Finance Committee, the House Appropriations Committee, and
39 the House Economic Matters Committee a report prepared jointly by the agencies
40 detailing the most appropriate method of merging the two weatherization programs
41 currently administered by the Department of Human Resources and the Department of

1 Housing and Community Development by the beginning of fiscal year 2006. The report
 2 shall include information on statutory changes necessary to merge the programs.

3 ~~SECTION 21. AND BE IT FURTHER ENACTED, That Section(s) 3, 5, 11, 12,~~
 4 ~~and 15 of Chapter 53 of the Acts of the General Assembly of 2003 be repealed.~~

5 SECTION 23. AND BE IT FURTHER ENACTED, That:

6 (a) Notwithstanding the provisions of § 13-1406 of the Health - General
 7 Article or any other provision of law, in fiscal year 2005, \$442,210 from the Spinal
 8 Cord Injury Research Trust Fund is authorized to be transferred by budget
 9 amendment to the Maryland Department of Aging to be used exclusively to supplement
 10 federal grants to local agencies under titles IIIB, IIIC1, IIIC2, and IIIE of the Older
 11 Americans Act.

12 (b) The Governor shall include in the budget bill for fiscal year 2006 a general
 13 fund appropriation in an amount not less than \$442,210 to the Maryland Department
 14 of Aging to supplement federal grants to local agencies under titles IIIB, IIIC1, IIIC2,
 15 and IIIE of the Older Americans Act.

16 (c) In fiscal years 2005 and 2006, these funds shall be used to hold rural
 17 jurisdictions harmless from reductions that would occur under a strictly census-based
 18 allocation and shall be allocated to the Area Agency on Aging as follows:

19	<u>Allegany.....</u>	<u>\$97,747</u>	
20	<u>Carroll</u>	<u>1,035</u>	
21	<u>Cecil</u>	<u>6,436</u>	
22	<u>Frederick</u>	<u>3,659</u>	
23	<u>MAC, Inc. - Serving Dorchester, Somerset, Wicomico, and Worcester</u>	<u>.....</u>	<u>219,573</u>
24	<u>Queen Anne's</u>	<u>15,784</u>	
25	<u>St. Mary's</u>	<u>519</u>	
26	<u>Upper Shore Aging, Inc. - Serving Caroline, Kent, and Talbot</u>	<u>.....</u>	<u>50,898</u>
27	<u>Washington</u>	<u>46,559</u>	

28 (d) The Governor shall submit proposed legislation to the General Assembly for
 29 consideration in the 2005 legislative session that specifies a formula for distributing
 30 federal funds under the Older Americans Act to local jurisdictions beginning in fiscal
 31 year 2007.

32 SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding the
 33 provisions of § 11-105(b)(3) of the Education Article or any other provision of law, the
 34 biennial review of the State Plan for Higher Education due to be submitted by July 1,
 35 2004 to the Governor and the General Assembly by the Maryland Higher Education
 36 Commission may be submitted on or before December 1, 2004.

37 SECTION 25. AND BE IT FURTHER ENACTED, That, on or before December
 38 15, 2004, the Department of Budget and Management and the Public Service
 39 Commission shall jointly conduct a study and report to the Senate Budget and
 40 Taxation Committee, the Senate Finance Committee, the House Committee on Ways
 41 and Means, the House Economic Matters Committee, and the House Appropriations

1 Committee on whether the General Assembly's goal of providing for an equitable and
2 rational restructuring of State and local taxes on electric and gas utilities in light of
3 competition and the restructuring of the electric and gas utility industries has been
4 met. The report shall include:

5 (1) An assessment of the competitive structure of power generation in
6 Maryland as impacted by Maryland's current tax structure; and

7 (2) An assessment of the impact of Maryland's current tax structure on
8 local jurisdictions where power generating facilities are located.

9 SECTION 26. AND BE IT FURTHER ENACTED, That, on or before October 1
10 of 2004, 2005, and 2006, each State agency and each public institution of higher
11 education shall report to the Department of Legislative Services and the Board of
12 Public Works any agreements between State agencies and any public higher education
13 institution, or between two or more State agencies, involving an expenditure of more
14 than \$100,000 during the previous fiscal year. Each report shall include information
15 about the creation of positions.

16 SECTION 4. ~~22.~~ 27. AND BE IT FURTHER ENACTED, That if any provision of
17 this Act or the application thereof to any person or circumstance is held invalid for
18 any reason in a court of competent jurisdiction, the invalidity does not affect other
19 provisions or any other application of this Act which can be given effect without the
20 invalid provision or application, and for this purpose the provisions of this Act are
21 declared severable.

22 SECTION ~~23.~~ 28. AND BE IT FURTHER ENACTED, That § 2-614 of the Tax -
23 General Article, as enacted by Section 1 of this Act, shall take effect July 1, 2004.

24 SECTION ~~24.~~ 29. AND BE IT FURTHER ENACTED, That the changes to §
25 7-309 of the Tax - General Article, as enacted by Section 4 of this Act, shall be
26 applicable to all decedents dying after December 31, 2003.

27 SECTION ~~5.~~ ~~25.~~ 30. AND BE IT FURTHER ENACTED, That § 10-106.1 of the
28 Tax - General Article, as enacted by Section ~~4~~ 4 of this Act, shall be applicable to all
29 taxable years beginning after December 31, 2003.

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

31 (1) the modifications required under § 10-210.1(b)(3) of the Tax -
32 General Article, as enacted by Section 4 of this Act, shall be applicable to all taxable
33 years beginning after December 31, 2002; and

34 (2) the modifications required under § ~~10-201.1(b)(4)~~ 10-210.1(b)(4) of
35 the Tax - General Article, as enacted by Section 4 of this Act, shall be applicable to all
36 vehicles placed in service after May 31, 2004.

37 SECTION ~~27.~~ 32. AND BE IT FURTHER ENACTED, That the fee required to
38 be paid with an annual report of an insurance company or a business trust under §

1 1-203(b)(3) of the Corporations and Associations Article, as enacted by Section 4 of
2 this Act, shall be applicable to all annual reports filed after December 31, 2004.

3 SECTION ~~6: 28;~~ 33. AND BE IT FURTHER ENACTED, That Section ~~4~~ 4 of
4 this Act shall take effect July 1, 2004.

5 SECTION ~~7: 29;~~ 34. AND BE IT FURTHER ENACTED, That, except as
6 provided in ~~Section 6~~ Sections ~~23 through 28~~ *28 through 33* of this Act, this Act shall
7 take effect June 1, 2004.