

SENATE BILL 508

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B1

2004 Regular Session
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By: **The President (By Request - Administration)**

Introduced and read first time: February 6, 2004

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Budget Financing Act of 2004**

3 FOR the purpose of altering certain fees relating to regulation of certain products;
4 altering certain provisions relating to claims to certain abandoned property;
5 altering the time that certain abandoned property is required to be paid or
6 delivered to the Comptroller; altering certain fees assessed for certain filings
7 with the Department of Assessments and Taxation; imposing certain fees for
8 certain filings with the Department; altering certain fees for a certain
9 certification; authorizing the Secretary of Health and Mental Hygiene to
10 establish certain fees for certain purposes; authorizing the Secretary to waive all
11 or part of certain fees; authorizing the Director of the Alcohol and Drug Abuse
12 Administration to adopt regulations setting certain fees for certification of
13 certain programs; authorizing the Secretary of Health and Mental Hygiene to
14 alter certain fees; authorizing the Secretary to assess certain administrative
15 charges for certain services provided to certain commissions; altering the
16 maximum total fees that may be assessed by certain commissions; altering
17 certain fees assessed by the Office of Administrative Hearings; imposing a
18 certain income tax on certain individuals at a certain rate; providing for the
19 distribution of certain revenue; altering a certain credit relating to collecting
20 and paying the sales and use tax; altering certain provisions relating to
21 extension of the period for submitting certain personal property tax reports;
22 imposing a certain fee on certain facilities for certain individuals; authorizing
23 the Department of Health and Mental Hygiene to adopt certain regulations;
24 imposing a certain assessment on certain nursing facilities operating in the
25 State; providing that certain fees shall terminate and may not be assessed under
26 certain circumstances; requiring the Department of Health and Mental Hygiene
27 to submit a certain request to the federal Centers for Medicare and Medicaid
28 Services; making the provisions of this Act severable; providing for the effective
29 dates and application of this Act; and generally relating to the financing of State
30 government.

31 BY repealing and reenacting, with amendments,
32 Article - Agriculture
33 Section 5-207, 5-309, and 9-204
34 Annotated Code of Maryland

- 1 (1999 Replacement Volume and 2003 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article - Commercial Law
4 Section 17-311 and 17-312
5 Annotated Code of Maryland
6 (2000 Replacement Volume and 2003 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article - Corporations and Associations
9 Section 1-203 and 11-506
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2003 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 6-704(b)
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article - Environment
19 Section 6-843
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2003 Supplement)
- 22 BY adding to
23 Article - Health - General
24 Section 2-104(n), 7-517, and 19-1416
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2003 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article - Health - General
29 Section 8-204, 14-403(a)(3), 17-103, 17-204, 17-207, 17-506, 19-110,
30 19-111(c), 19-208, 19-213(c)(1) and (d)(8), 21-308, 21-309(d), 21-331(c),
31 21-336(c) and (d), 21-412, 21-808, 21-812, and 24-407
32 Annotated Code of Maryland
33 (2000 Replacement Volume and 2003 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article - State Government
36 Section 9-1604(b)
37 Annotated Code of Maryland

1 (1999 Replacement Volume and 2003 Supplement)

2 BY adding to

3 Article - Tax - General

4 Section 10-106.1

5 Annotated Code of Maryland

6 (1997 Replacement Volume and 2003 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Tax - General

9 Section 11-105

10 Annotated Code of Maryland

11 (1997 Replacement Volume and 2003 Supplement)

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

13 BY repealing and reenacting, with amendments,

14 Article - Tax - Property

15 Section 14-704

16 Annotated Code of Maryland

17 (2001 Replacement Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Agriculture**

21 5-207.

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

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

30 (c) Each applicant for a pest control consultant certificate, pest control
31 applicator certificate, or public agency applicator certificate shall demonstrate
32 competence to consult on pest control or to apply pesticides safely in the State by
33 passing a written examination prepared and administered by the Department. There
34 shall be no charge for an initial examination, provided that each pest control
35 applicator or each pest control consultant shall pay \$10 for each category of
36 examination after the initial examination. Each applicant for a private applicator
37 certificate shall pass an examination given by the Department. A private applicator

1 certificate is valid for 3 years and may be renewed by the certificate holder by
2 participation in training approved by the Department.

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

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

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

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

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

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

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

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

20 5-309.

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

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

34 (c) Each broker or dealer shall comply with the regulations established by the
35 Department and shall pay an annual license fee of [~~\$75~~] \$100. The Secretary may
36 inspect annually the nursery stock in a sales or holding yard of a broker or dealer.
37 Each broker or dealer shall pay the Secretary an inspection fee as provided in
38 subsection (a) of this section. All fees collected shall be placed in the Plant Protection

1 Fund and used to defray partially the cost of inspecting and licensing the brokers and
2 dealers.

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

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

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

21 9-204.

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

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

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

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

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

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

Article - Commercial Law

17-311.

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

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

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

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

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

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

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

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

(e) The mailed notice shall contain:

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

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

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

5 17-312.

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

16 **Article - Corporations and Associations**

17 1-203.

18 (a) In addition to any organization and capitalization fee required under §
 19 1-204 of this article, the Department shall collect the following fees:

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

22 Document

23 Articles of incorporation
 24 Articles of amendment
 25 Articles of extension
 26 Articles of restatement of charter
 27 Articles of amendment and restatement
 28 Articles supplementary
 29 Articles of share exchange
 30 Articles of consolidation, merger, or transfer
 31 Articles of dissolution
 32 Articles of revival for stock corporation
 33 Articles of revival for nonstock corporation

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

36 (i) Notice of change of address of principal office;
 37 (ii) Notice of change of name or address of resident agent;
 38 (iii) Certificate of correction; and
 39 (iv) Any other documents.

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

3 Reservation of a corporate, limited partnership, limited liability
4 partnership or limited liability company name \$25

5 Original registration of name of a foreign corporation to end of calendar
6 year \$100

7 Renewal of registration of name of a foreign corporation for one calendar
8 year \$100

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

11 Application for registration of a foreign limited partnership, a foreign
12 limited liability partnership, or a foreign limited liability company \$100

13 OTHER DOCUMENTS \$6

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

16 Annual report of a Maryland corporation, except a charitable or benevolent
17 institution, nonstock corporation, savings and loan corporation, credit
18 union, and banking institution \$300

19 Annual report of a foreign corporation subject to the jurisdiction of this
20 State, except [an insurance company which pays an annual filing fee of
21 \$25 to the Insurance Commissioner,] A national banking association,
22 savings and loan association, credit union, nonstock corporation, and
23 charitable and benevolent institution \$300

24 Annual report of a Maryland savings and loan association, banking
25 institution, or credit union or of a foreign savings and loan association,
26 national banking association, or credit union that is subject to the
27 jurisdiction of this State \$300

28 Annual report of a Maryland limited liability company, limited liability
29 partnership, limited partnership, or of a foreign limited liability company,
30 foreign limited liability partnership, or foreign limited partnership \$300

31 ANNUAL REPORT OF A BUSINESS TRUST \$300

32 Annual report of a real estate investment trust doing business in this State \$300

33 [Other documents \$6]

34 (4) For each of the following documents recorded or filed the
35 NONREFUNDABLE PROCESSING fee is \$100:

1 (i) Certificate of limited partnership, certificate of limited liability
 2 partnership, articles of organization of a limited liability company, certificate of trust
 3 of a business trust, including certificates of amendment and certificates of
 4 cancellation, certificates of reinstatement, and articles of reinstatement; and

5 (ii) Any statement filed by a partnership under Title 9 of this
 6 article.

7 (5) For issuing each of the following certificates, the NONREFUNDABLE
 8 PROCESSING fee is as indicated:

9 Type of Instrument Special Fee

10 Certificate of status of a corporation, partnership, limited partnership,
 11 limited liability partnership, or limited liability company of this State or
 12 of a foreign corporation, foreign partnership, foreign limited partnership,
 13 foreign limited liability partnership, or foreign limited liability company \$20

14 Certified list of the charter papers of a corporation of this State or any
 15 certificates of a limited partnership, limited liability partnership, or a
 16 limited liability company of this State recorded or filed with the
 17 Department \$20

18 Certificate of compliance by a foreign corporation, foreign limited
 19 partnership, foreign limited liability partnership, or foreign limited
 20 liability company with requirements of law in respect of qualification or
 21 registration \$20

22 Certificate of withdrawal of registration or qualification \$20

23 Certificate of any paper recorded or filed in the Department's office \$20

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

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

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

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

33 Recording any document, including financing statements \$50

34 Certificate of status of a corporation, partnership, limited partnership,
 35 limited liability partnership, or limited liability company, or a name
 36 reservation \$20

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

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

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

8 11-506.

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

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

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

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

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

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

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

25 **Article - Education**

26 6-704.

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

29 (2) The Board may not require a fee:

30 (i) For the addition of any new area of certification to a currently
31 valid certificate; or

32 (ii) Except for the fee authorized under this subsection, for the
33 evaluation of credentials for the certification of teachers.

1

Article - Environment

2 6-843.

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

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

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

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

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

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

23 (1) Built after 1978; or

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

26 (c) The fee imposed under this section shall be paid on or before December 31,
27 1995, or the date of registration of the affected property under Part III of this subtitle
28 and on or before December 31 of each year thereafter.

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

33

Article - Health - General

34 2-104.

35 (N) (1) THE SECRETARY MAY ESTABLISH FEES NOT TO EXCEED AN AMOUNT
36 SUFFICIENT TO COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH:

1 (I) INSPECTIONS OR INVESTIGATIONS CARRIED OUT UNDER THIS
2 ARTICLE; AND

3 (II) PERMITS, LICENSES, CERTIFICATIONS, OR REGISTRATIONS
4 ISSUED UNDER THIS ARTICLE.

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

7 8-204.

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

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

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

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

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

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

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

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

24 (4) Gather and disseminate statistics and other information on drug
25 misuse and alcohol misuse and drug misuse and alcohol misuse services;

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

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

29 14-403.

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

32 (ii) Except as provided in subparagraph [(iv)] (III) of this
33 paragraph, the Secretary may impose a fee for the purpose of inspecting, monitoring,

1 and regulating youth camps [as follows:] IN ACCORDANCE WITH § 2-104 OF THIS
2 ARTICLE.

- 3 [1. \$75 for day camps;
 - 4 2. \$100 for residential camps;
 - 5 3. \$100 for travel camps; and
 - 6 4. \$100 for trip camps.
- 7 (iii) All fees shall be paid to the General Fund of the State.

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

11 17-103.

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

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

- 17 (1) An examination or analysis of a water supply;
- 18 (2) An examination or analysis of milk; or
- 19 (3) An inquiry that any health officer or physician makes about a
20 communicable disease.

21 17-204.

22 The Secretary:

- 23 (1) Shall set [reasonable] licensing fees IN ACCORDANCE WITH § 2-104
24 OF THIS ARTICLE; and
- 25 (2) May set a fee for the cytology proficiency testing program.

26 17-207.

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

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

- 30 (1) The name of the owner;

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

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

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

6 17-506.

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

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

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

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

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

18 19-110.

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

23 (b) The power of the Secretary to transfer, by rule, regulation, or written
24 directive, any staff, functions, or funds of units in the Department does not apply to
25 any staff, function, or funds of the Commission. **THE SECRETARY MAY ASSESS AN**
26 **ADMINISTRATIVE CHARGE, CONSISTENT WITH THE INDIRECT COST CHARGE**
27 **ASSESSED TO FEDERAL GRANTS, TO FUND SERVICES PROVIDED TO THE COMMISSION**
28 **BY THE EXECUTIVE BRANCH.**

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

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

1 19-111.

2 (c) (1) The total fees assessed by the Commission may not exceed
3 [\$10,000,000] \$11,200,000 in any fiscal year.

4 (2) The fees assessed by the Commission shall be used exclusively to
5 cover the actual documented direct costs of fulfilling the statutory and regulatory
6 duties of the Commission in accordance with the provisions of this subtitle. THE
7 COSTS OF THE COMMISSION INCLUDE THE ADMINISTRATIVE COSTS INCURRED BY
8 THE DEPARTMENT ON BEHALF OF THE COMMISSION. THE AMOUNT TO BE PAID BY
9 THE COMMISSION TO THE DEPARTMENT FOR ADMINISTRATIVE COSTS WILL BE
10 CALCULATED IN THE SAME MANNER AS INDIRECT COSTS FOR FEDERAL GRANTS,
11 LESS OVERHEAD COSTS PAID DIRECTLY BY THE COMMISSION.

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

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

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

18 19-208.

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

23 (b) The power of the Secretary to transfer by rule, regulation, or written
24 directive, any staff, functions, or funds of units in the Department does not apply to
25 any staff, function, or funds of the Commission. THE SECRETARY MAY ASSESS AN
26 ADMINISTRATIVE CHARGE, CONSISTENT WITH THE INDIRECT COST CHARGE
27 ASSESSED TO FEDERAL GRANTS, TO FUND SERVICES PROVIDED TO THE COMMISSION
28 BY THE EXECUTIVE BRANCH.

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

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

35 19-213.

36 (c) (1) The total user fees assessed by the Commission may not exceed
37 [\$4,000,000] \$4,500,000 in any fiscal year.

1 (d) (8) The Fund shall be used only to provide funding for the Commission
 2 and for the purposes authorized under this subtitle. THE COSTS OF THE COMMISSION
 3 INCLUDE THE ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT ON BEHALF
 4 OF THE COMMISSION. THE AMOUNT TO BE PAID BY THE COMMISSION TO THE
 5 DEPARTMENT FOR ADMINISTRATIVE COSTS WILL BE CALCULATED IN THE SAME
 6 MANNER AS INDIRECT COSTS FOR FEDERAL GRANTS, LESS OVERHEAD COSTS PAID
 7 DIRECTLY BY THE COMMISSION.

8 21-308.

9 (a) [(1)] For any license issued for which the authority to conduct a program
 10 under this subtitle has been delegated to a county health department:

11 [(i)] (1) A county governing body or the Mayor and City Council of
 12 Baltimore City may provide for a license fee schedule based on the anticipated cost of
 13 licensing, inspecting, and regulating food establishments and may provide for
 14 exemptions from the license fee schedule; and

15 [(ii)] (2) All license fees shall be paid to the local health
 16 department or chief financial officer of the county governing body or Baltimore City.

17 [(2)] Except in Baltimore City, Montgomery County, and Prince George's
 18 County, a license fee under this subsection may not exceed:

19 (i) \$150; or

20 (ii) \$35 for a seasonal food processing operation that:

21 1. Uses only food that is grown on the property of the
 22 licensee; and

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

25 (3) A seasonal food processing operation may obtain a food establishment
 26 license for a fee of \$35 under paragraph (2)(ii) of this subsection only twice in a
 27 calendar year.]

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

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

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

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

34 21-309.

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

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

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

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

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

10 21-331.

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

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

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

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

19 21-336.

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

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

25 (i) Not from an approved source; or

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

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

28 (i) Submit an application to the Department on the form that the
29 Department requires;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 21-412.

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

31 (1) Submit an application to the Secretary on the form that the Secretary
32 provides; and

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

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

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

12 21-808.

13 (a) An applicant for a license shall:

14 (1) Submit an application to the Secretary on the form that the Secretary
15 requires; and

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

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

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

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

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

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

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

3 (d) The application:

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

5 (2) Shall include:

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

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

10 21-812.

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

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

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

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

19 (3) The amount of the renewal fee.

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

22 (1) Otherwise is entitled to a license;

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

25 (3) Submits to the Secretary:

26 (i) A renewal application on the form that the Secretary requires;
27 and

28 (ii) Satisfactory evidence of compliance with the requirements of
29 this section for renewal.

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

1

Article - State Government

2 9-1604.

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

4 (i) serve as an administrative law judge in a contested case;

5 (ii) furnish administrative law judges on a contractual basis to
6 other governmental entities;7 (iii) accept and expend funds, grants, and gifts and accept services
8 from any public or private source;9 (iv) enter into agreements and contracts with any public or private
10 agencies or educational institutions;

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

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

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

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

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

17 (i) State agencies; or

18 (ii) petitioners who are determined by the Office of Administrative
19 Hearings to be unable to pay the fees.20 (3) A fee charged under paragraph (1) of this subsection for filing an
21 appeal shall be refunded to a party who initiates the appeal if the party receives a
22 favorable decision from the administrative law judge.

23

Article - Tax - General

24 10-106.1.

25 (A) AN INDIVIDUAL SUBJECT TO THE STATE INCOME TAX UNDER § 10-105(A)
26 OF THIS SUBTITLE, BUT NOT SUBJECT TO THE COUNTY INCOME TAX UNDER § 10-106
27 OF THIS SUBTITLE, SHALL BE SUBJECT TO THE TAX IMPOSED UNDER THIS SECTION.28 (B) THE RATE OF THE TAX IMPOSED UNDER THIS SECTION SHALL BE EQUAL
29 TO THE LOWEST COUNTY INCOME TAX RATE SET BY ANY MARYLAND COUNTY IN
30 ACCORDANCE WITH § 10-106 OF THIS SUBTITLE.31 (C) THE TAX IMPOSED UNDER THIS SECTION SHALL BE DISTRIBUTED BY THE
32 COMPTROLLER IN ACCORDANCE WITH § 2-609 OF THIS ARTICLE.

1 11-105.

2 (a) Except as provided in subsection (b) of this section, a person who timely
3 files a sales and use tax return is allowed, for the expense of collecting and paying the
4 tax, a credit equal to 0.9% of the gross amount of sales and use tax that the person is
5 to pay to the Comptroller.

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

9 (2) For a vendor who files or is eligible to file a consolidated return under
10 § 11-502 of this title, the credit allowed under paragraph (1) of this subsection is 1.2%
11 of the first \$6,000 of the gross amount of sales and use tax that the person is or would
12 be required to pay with the consolidated return.]

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

15 **Article - Tax - Property**

16 14-704.

17 (a) (1) If the annual report is not submitted as required by § 11-101 of this
18 article, the Department shall assess:

19 (i) an initial tax penalty not exceeding 1/10 of 1% of the total
20 county assessment in all counties where property is located; and

21 (ii) an additional penalty of 2% of the initial tax penalty for each 30
22 days or fraction of a 30-day period that the report is not submitted.

23 (2) The initial penalty under paragraph (1) of this subsection may not be
24 more than \$500 or less than:

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

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

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

28 (b) The Department may abate or reduce the tax penalty under subsection (a)
29 of this section when good cause is shown.

30 (c) [If a person submits a request on or before April 15 of the year in which
31 the report is due, the] THE Department may extend [for a period not exceeding 60
32 days] the date for submitting the report UNTIL JUNE 15 OF THE YEAR IN WHICH THE
33 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 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article - Health - General**

12 7-517.

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

15 (2) "INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED
16 ("ICF-MR)" MEANS A STATE RESIDENTIAL CENTER FOR INDIVIDUALS WITH MENTAL
17 RETARDATION.

18 (3) "ICF-MR INCOME" MEANS ALL REVENUES RECEIVED BY AN ICF-MR
19 FROM ANY SOURCE PROVIDING ICF-MR SERVICES TO RESIDENTS OF THE FACILITY.

20 (B) (1) EACH ICF-MR OPERATING IN MARYLAND IS SUBJECT TO AN
21 ASSESSMENT OF 6% OF ALL ICF-MR INCOME.

22 (2) THE ASSESSMENT REQUIRED BY THIS SECTION SHALL:

23 (I) BE PAID BY EACH ICF-MR IN ACCORDANCE WITH THIS
24 SECTION; OR

25 (II) TERMINATE IF THE ASSESSMENT IS NOT PERMISSIBLE UNDER
26 SECTION 1903(W) OF THE SOCIAL SECURITY ACT.

27 (C) ON OR BEFORE THE 15TH DAY OF EACH QUARTER OF THE STATE FISCAL
28 YEAR, EACH ICF-MR SHALL PAY TO THE DEPARTMENT 6% OF THE ICF-MR INCOME
29 RECEIVED DURING THE PREVIOUS FISCAL QUARTER.

30 (D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
31 SECTION.

32 19-1416.

33 (A) IN THIS SECTION:

1 (1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, "NURSING
2 FACILITY" HAS THE MEANING STATED IN § 19-301 OF THIS TITLE; AND

3 (2) "NURSING FACILITY" DOES NOT INCLUDE A CONTINUING CARE
4 FACILITY WITHIN THE MEANING OF ARTICLE 70B, § 7 OF THE CODE.

5 (B) (1) ALL NURSING FACILITIES OPERATING IN MARYLAND ARE SUBJECT
6 TO AN ASSESSMENT OF \$1,200 PER LICENSED BED PER YEAR.

7 (2) THE ASSESSMENT REQUIRED BY THIS SECTION SHALL:

8 (I) BE PAID BY THE NURSING FACILITIES IN ACCORDANCE WITH
9 THIS SECTION; AND

10 (II) TERMINATE AND MAY NOT BE ASSESSED IF:

11 1. THE ASSESSMENT IS NOT PERMISSIBLE UNDER SECTION
12 1903(W) OF THE SOCIAL SECURITY ACT; OR

13 2. THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID
14 SERVICES DO NOT APPROVE THE EXCLUSION OF CONTINUING CARE FACILITIES
15 FROM THE DEFINITION OF "NURSING FACILITY" UNDER THIS SECTION.

16 (C) (1) ON OR BEFORE THE 15TH DAY OF EACH QUARTER OF THE STATE
17 FISCAL YEAR, EACH NURSING FACILITY SHALL PAY TO THE COMPTROLLER \$300 PER
18 LICENSED BED ON THE FIRST DAY OF THE PREVIOUS FISCAL QUARTER.

19 (2) UPON REQUEST BY THE DEPARTMENT, A NURSING FACILITY SHALL
20 PROVIDE VERIFICATION, IN A MANNER PRESCRIBED BY THE DEPARTMENT, OF:

21 (I) THE AMOUNT PAID BY THE NURSING HOME; AND

22 (II) THE NUMBER OF LICENSED BEDS UPON WHICH PAYMENT OF
23 THE ASSESSMENT WAS CALCULATED.

24 (D) IF A NURSING FACILITY FAILS TO PAY THE FULL ASSESSMENT DUE TO
25 THE COMPTROLLER IN A TIMELY FASHION, THE COMPTROLLER MAY IMPOSE A FINE
26 OF UP TO \$1,000 PER DAY FOR EACH DAY THAT ALL OR PART OF THE PAYMENT IS
27 DELINQUENT.

28 (E) (1) IF A NURSING FACILITY CHANGES OWNERSHIP WITHOUT PAYING
29 ALL ASSESSMENTS DUE AND OWING UNDER THIS SECTION, THE NEW OWNER SHALL
30 ASSUME THE OBLIGATION TO PAY ALL ASSESSMENTS DUE AND OWING.

31 (2) THE DEPARTMENT MAY WAIVE THE REQUIRED ASSESSMENT IF THE
32 NEW OWNER DEMONSTRATES GOOD CAUSE.

33 (F) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
34 SECTION.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
2 Health and Mental Hygiene shall submit a request to the federal Centers for
3 Medicare and Medicaid Services for permission to exclude continuing care facilities
4 from the definition of nursing facilities for purposes of the assessment under §
5 19-1416 of the Health - General Article, as enacted by Section 2 of this Act.

6 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this
7 Act or the application thereof to any person or circumstance is held invalid for any
8 reason in a court of competent jurisdiction, the invalidity does not affect other
9 provisions or any other application of this Act which can be given effect without the
10 invalid provision or application, and for this purpose the provisions of this Act are
11 declared severable.

12 SECTION 5. AND BE IT FURTHER ENACTED, That § 10-106.1 of the Tax -
13 General Article, as enacted by Section 1 of this Act, shall be applicable to all taxable
14 years beginning after December 31, 2003.

15 SECTION 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
16 take effect July 1, 2004.

17 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
18 Section 6 of this Act, this Act shall take effect June 1, 2004.