

SENATE BILL 508

Unofficial Copy
B1

2004 Regular Session
4lr1007
CF 4lr1008

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

Introduced and read first time: February 6, 2004

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 17, 2004

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 certain State programs; codifying certain requirements that
6 the Governor include certain funds in the State budget for certain purposes;
7 altering certain grants and required appropriations, repealing certain grants
8 and required appropriations, and altering certain requirements relating to
9 certain grants and required appropriations; altering certain audit and reporting
10 requirements; altering the authorized uses of certain funds and altering the
11 required uses of certain funds; requiring the Governor to include certain
12 appropriations in the State budget under certain circumstances for certain
13 reimbursements to counties; requiring the Comptroller to withhold and remit to
14 the Administrative Office of the Courts certain income tax revenue attributable
15 to the county income tax under certain circumstances; delaying certain
16 distributions to certain institutions of higher education; repealing certain
17 requirements and altering certain requirements relating to certain required
18 studies, reports, and evaluations; requiring certain recipients of certain grants
19 to use certain funds for certain purposes; repealing certain accounts and special
20 funds and altering certain accounts and special funds; requiring certain
21 information regarding the financing and operation of State government to be
22 provided to certain committees under certain circumstances and in certain
23 reports under certain circumstances; prohibiting a member of the Board of
24 Trustees for the State Retirement and Pension System from accepting political
25 contributions from certain individuals; prohibiting certain individuals from
26 engaging in certain political activities under certain circumstances; requiring
27 the Governor to submit with the proposed budget each year certain bills
28 necessary to submit a balanced budget; requiring the budget books for a fiscal

1 year to include certain information relating to the Department of
2 Transportation; clarifying the procedures and uses of amendments to the State
3 budget; authorizing the expenditure of money from a special fund or the federal
4 government that exceeds the estimate in the State budget under certain
5 circumstances; clarifying certain requirements for appropriations to the
6 Revenue Stabilization Account; altering certain requirements relating to
7 legislative review of certain transfers from certain special accounts or certain
8 modifications to certain guidelines; requiring the Capital Debt Affordability
9 Committee to review and consider certain debt issued by the Department of
10 Transportation for certain purposes; repealing certain authorization to use the
11 proceeds of bond sale premiums to fund the costs of other capital projects;
12 altering a certain exemption from certain requirements relating to State
13 procurements; altering the distribution of certain revenues for certain years;
14 providing that the State may not spend any funds from any source for certain
15 purposes; requiring the Motor Vehicle Administration to alter certain fees under
16 certain circumstances; requiring the Governor to transfer to the General Fund
17 certain amounts from certain special funds for certain fiscal years; requiring the
18 reversion of certain funds in a certain year; altering certain fees relating to
19 regulation of certain products and services; altering certain provisions relating
20 to claims to certain abandoned property; altering the time that certain
21 abandoned property is required to be paid or delivered to the Comptroller;
22 altering certain fees assessed for certain filings with the Department of
23 Assessments and Taxation; imposing certain fees for certain filings with the
24 Department; requiring the Department to adopt certain regulations; altering
25 certain fees for a certain certification; repealing a certain limitation on certain
26 fees; authorizing the Secretary of Health and Mental Hygiene to ~~establish~~ adopt
27 regulations establishing certain fees for certain purposes; authorizing the
28 Secretary to waive all or part of certain fees; authorizing the Director of the
29 Alcohol and Drug Abuse Administration to adopt regulations setting certain fees
30 for certification of certain programs; authorizing the Secretary of Health and
31 Mental Hygiene to ~~alter~~ adopt regulations altering certain fees; authorizing the
32 Secretary to assess certain administrative charges for certain fiscal years for
33 certain services provided to certain commissions; altering the maximum total
34 fees that may be assessed by certain commissions for certain fiscal years;
35 altering certain fees assessed by the Office of Administrative Hearings; limiting
36 the unified credit used for determining the Maryland estate tax to the applicable
37 credit amount corresponding to a certain applicable exclusion amount under the
38 federal estate tax; requiring a person responsible for paying the inheritance tax
39 to file an estate tax return and pay the estate tax under certain circumstances;
40 imposing a certain income tax on certain individuals at a certain rate; providing
41 for the distribution of certain revenue; providing certain modifications to federal
42 adjusted gross income of an individual or federal taxable income of a corporation
43 for Maryland income tax purposes for certain deductions for the cost of certain
44 property treated as an expense for federal income tax purposes; providing
45 certain modifications to federal adjusted gross income of an individual or federal
46 taxable income of a corporation for Maryland income tax purposes for certain
47 depreciation deductions with respect to certain vehicles; altering a certain credit
48 relating to collecting and paying the sales and use tax; providing that a certain

1 exemption under the sales and use tax for certain sales of food does not apply to
2 certain snack food; repealing an exemption under the sales and use tax for
3 certain snack food sold through vending machines; altering certain provisions
4 relating to extension of the period for submitting certain personal property tax
5 reports; imposing a certain fee on certain facilities for certain individuals;
6 authorizing the Department of Health and Mental Hygiene to adopt certain
7 regulations; requiring that a certain closing balance be maintained in the
8 Annuity Bond Fund for a certain fiscal year; requiring that certain revenues in
9 excess of certain estimates be distributed to Baltimore City for certain purposes;
10 requiring certain proceeds from the sales of certain assets to be deposited to the
11 General Fund; repealing certain provisions of law relating to the development
12 and implementation of a certain educational program for a certain facility;
13 imposing a certain assessment on certain nursing facilities operating in the
14 State; providing that certain fees a certain fee shall terminate and may not be
15 assessed under certain circumstances; requiring the Department of Health and
16 Mental Hygiene to submit a certain request to the federal Centers for Medicare
17 and Medicaid Services; making the provisions of this Act severable; providing for
18 the effective dates and application of this Act; and generally relating to the
19 financing of State government.

20 BY repealing and reenacting, with amendments,
21 Article 41 - Governor - Executive and Administrative Departments
22 Section 4-403(a)(4) and (d) and 6-402(7)
23 Annotated Code of Maryland
24 (2003 Replacement Volume)

25 BY repealing and reenacting, without amendments,
26 Article 41 - Governor - Executive and Administrative Departments
27 Section 4-403(a)(5) and (a)(8)
28 Annotated Code of Maryland
29 (2003 Replacement Volume)

30 BY repealing and reenacting, with amendments,
31 Article 70B - Department of Aging
32 Section 34(c)
33 Annotated Code of Maryland
34 (2003 Replacement Volume)

35 BY repealing and reenacting, with amendments,
36 Article 83A - Department of Business and Economic Development
37 Section 4-208 and 5-212(d)
38 Annotated Code of Maryland
39 (2003 Replacement Volume)

40 BY repealing and reenacting, with amendments,

- 1 Article - Correctional Services
- 2 Section 3-507(b) and 9-404
- 3 Annotated Code of Maryland
- 4 (1999 Volume and 2003 Supplement)
- 5 BY repealing and reenacting, with amendments,
- 6 Article - Courts and Judicial Proceedings
- 7 Section 2-512(c)
- 8 Annotated Code of Maryland
- 9 (2002 Replacement Volume and 2003 Supplement)
- 10 BY repealing and reenacting, with amendments,
- 11 Article - Education
- 12 Section 5-205(c), 5-206(g), 8-415(d), 16-512(b), and 17-302(c)
- 13 Annotated Code of Maryland
- 14 (2001 Replacement Volume and 2003 Supplement)
- 15 BY repealing and reenacting, with amendments,
- 16 Article - Health - General
- 17 Section 10-406(c)(3), 10-409, 13-1004, 13-1015, and 15-139(c)(1)
- 18 Annotated Code of Maryland
- 19 (2000 Replacement Volume and 2003 Supplement)
- 20 BY adding to
- 21 Article - Health - General
- 22 Section 13-1107(e)
- 23 Annotated Code of Maryland
- 24 (2000 Replacement Volume and 2003 Supplement)
- 25 BY adding to
- 26 Article - Natural Resources
- 27 Section 1-104(k)
- 28 Annotated Code of Maryland
- 29 (2000 Replacement Volume and 2003 Supplement)
- 30 BY repealing and reenacting, with amendments,
- 31 Article - Natural Resources
- 32 Section 8-709(d)
- 33 Annotated Code of Maryland
- 34 (2000 Replacement Volume and 2003 Supplement)
- 35 BY repealing and reenacting, with amendments,
- 36 Article - Public Safety

- 1 Section 8-202, 8-204, 8-205, and 8-209
2 Annotated Code of Maryland
3 (2003 Volume and 2003 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article - Public Utility Companies
6 Section 7-512.1(a)(2)
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 2003 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article - State Personnel and Pensions
11 Section 21-205
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2003 Supplement)
- 14 BY adding to
15 Article - State Finance and Procurement
16 Section 7-106
17 Annotated Code of Maryland
18 (2001 Volume and 2003 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - State Finance and Procurement
21 Section 7-110(b), 7-208(c), 7-208.1(b), 7-209(c), 7-217, 7-310(d)(2) and (f),
22 7-311(a), 7-314(d), (g)(1), (i), (j), (l), (m), (o), and (p), 7-324(d), 7-325(a),
23 8-112, 8-125(e), and 11-203(a)(2)
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2003 Supplement)
- 26 BY repealing and reenacting, without amendments,
27 Article - State Finance and Procurement
28 Section 7-310(a), 7-311(e) and (f), 7-314(a)(1) and (2), and 7-324(a)
29 Annotated Code of Maryland
30 (2001 Replacement Volume and 2003 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article - Tax - General
33 Section 2-606(b)(1) and 2-614
34 Annotated Code of Maryland
35 (1997 Replacement Volume and 2003 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article - Tax - Property

- 1 Section 13-209(c)
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2003 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article - Transportation
6 Section 2-103.1(c)(1), 6-201.2(a), and 7-402
7 Annotated Code of Maryland
8 (2001 Replacement Volume and 2003 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 12-120(c) and 13-955
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2003 Supplement)
- 14 BY repealing and reenacting, with amendments,
15 Chapter 17 of the Acts of the General Assembly of 2000
16 Section 9
- 17 BY repealing and reenacting, with amendments,
18 Chapter 440 of the Acts of the General Assembly of 2002, as amended by
19 Chapter 203 of the Acts of the General Assembly of 2003
20 Section 25
- 21 BY repealing and reenacting, with amendments,
22 Chapter 203 of the Acts of the General Assembly of 2003
23 Section 16
- 24 BY repealing and reenacting, with amendments,
25 Article - Agriculture
26 Section 5-207, 5-309, and 9-204
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2003 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article - Commercial Law
31 Section ~~17-311~~ 14-12B-02(b), 17-311, and 17-312
32 Annotated Code of Maryland
33 (2000 Replacement Volume and 2003 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article - Corporations and Associations
36 Section 1-203 and 11-506

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2003 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Education
5 Section 6-704(b)
6 Annotated Code of Maryland
7 (2001 Replacement Volume and 2003 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Environment
10 Section 6-843 and 9-1307(c)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2003 Supplement)

13 BY adding to
14 Article - Health - General
15 Section 2-104(n), and 7-517, and 19-1416
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Health - General
20 Section 8-204, 14-403(a)(3), 17-103, 17-204, 17-207, 17-506, 19-110,
21 19-111(c), 19-208, 19-213(c)(1) and (d)(8), 21-308, 21-309(d), 21-331(c),
22 21-336(c) and (d), 21-412, 21-808, 21-812, and 24-407
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - State Government
27 Section 9-1604(b)
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2003 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Tax - General
32 Section 7-309, 10-210.1, and 11-206
33 Annotated Code of Maryland
34 (1997 Replacement Volume and 2003 Supplement)

35 BY adding to
36 Article - Tax - General
37 Section 10-106.1

1 Annotated Code of Maryland
2 (1997 Replacement Volume and 2003 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article - Tax - General
5 Section 10-108 and 10-310
6 Annotated Code of Maryland
7 (1997 Replacement Volume and 2003 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Tax - General
10 Section 11-105
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2003 Supplement)
13 (As enacted by Chapter 440 of the Acts of the General Assembly of 2002)

14 BY repealing and reenacting, with amendments,
15 Article - Tax - Property
16 Section 14-704
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)

19 BY repealing
20 Article 49D - Office for Children, Youth, and Families
21 Section 4.2
22 Annotated Code of Maryland
23 (2003 Replacement Volume)

24 BY repealing
25 Article - Education
26 Section 5-216
27 Annotated Code of Maryland
28 (2001 Replacement Volume and 2003 Supplement)

29 BY repealing
30 Article - Health - General
31 Section 24-810
32 Annotated Code of Maryland
33 (2000 Replacement Volume and 2003 Supplement)

34 BY repealing
35 Article - Public Safety
36 Section 8-206 and 8-207

1 Annotated Code of Maryland
2 (2003 Volume)

3 BY repealing
4 Chapter 177 of the Acts of the General Assembly of 1997
5 Section 2

6 BY repealing
7 Chapter 178 of the Acts of the General Assembly of 1997
8 Section 2

9 BY repealing
10 Chapter 53 of the Acts of the General Assembly of 2003
11 Section 3, 5, 11, 12, and 15

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

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

15 4-403.

16 (a) As used in this subtitle:

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

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

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

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

35 (ii) "Crime assessment" means an amount obtained for each
36 subdivision or Baltimore City by multiplying the percent of total Part I Crimes in the

1 State that were committed in the subdivision or Baltimore City by [10 percent] 10%
2 of the costs for the crime laboratory of the State Police as provided in the State budget
3 for the fiscal year of the assessment.

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

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

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

17 6-402.

18 In this subtitle the following words have the meanings indicated:

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

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

24 34.

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

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

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

31 4-208.

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

33 (b) The Fund is established to provide a continuing fund for the Board to fund
34 programs relating to the planning, advertising, promotion, assistance, and
35 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 - Correctional Services**

10 3-507.

11 (b) (1) State Use Industries may establish a revolving fund to contain an
12 amount that the Treasurer approves.

13 (2) (I) BEGINNING IN FISCAL YEAR 2006, THE FIRST \$2,000,000 IN THE
14 REVOLVING FUND IN EXCESS OF THE AMOUNT REQUIRED TO OPERATE STATE USE
15 INDUSTRIES SHALL BE TRANSFERRED TO A SPECIAL FUND TO BE USED BY THE
16 STATE DEPARTMENT OF EDUCATION FOR THE OPERATION OF EDUCATIONAL
17 PROGRAMS IN CORRECTIONAL 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.

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

- 1 (d) The Treasurer shall immediately pay the amount due to the county.
- 2 (E) IF THE SEPTEMBER PAYMENT UNDER SUBSECTION (B) OF THIS SECTION
3 DOES NOT FULLY COMPENSATE A COUNTY FOR THE ACTUAL REQUIRED
4 REIMBURSEMENT FOR THE PRIOR FISCAL YEAR, OR IF THE SEPTEMBER PAYMENT
5 UNDER SUBSECTION (B) OF THIS SECTION TOTALS MORE THAN ONE-FOURTH THE
6 TOTAL APPROPRIATION FOR THE PREVIOUS FISCAL YEAR, THE GOVERNOR SHALL:
- 7 (1) INCLUDE IN THE BUDGET BILL FOR THE NEXT FISCAL YEAR A
8 DEFICIENCY APPROPRIATION TO PROVIDE THE ADDITIONAL FUNDS NEEDED TO
9 FULLY REIMBURSE THE COUNTIES FOR THE PREVIOUS FISCAL YEAR; AND
- 10 (2) REVIEW THE EXPENDITURE TRENDS AND OTHER FACTORS
11 AFFECTING THE REIMBURSEMENT PAYMENTS FOR THE 2 MOST RECENT FISCAL
12 YEARS AND INCLUDE IN THE ANNUAL BUDGET FOR THE NEXT FISCAL YEAR AN
13 APPROPRIATION SUFFICIENT TO COVER A GOOD FAITH ESTIMATE OF THE EXPECTED
14 COSTS FOR THE NEXT YEAR.

15 **Article - Courts and Judicial Proceedings**

16 2-512.

- 17 (c) (1) Each county and Baltimore City shall reimburse the Administrative
18 Office of the Courts for 25% of the salary and other expenses to employ one law clerk
19 for each circuit court judge in the county or Baltimore City.
- 20 (2) The amounts received under this subsection shall be credited to a
21 special fund, to be used only to provide funds to employ law clerks for each circuit
22 court judge as provided in this section.
- 23 (3) NOTWITHSTANDING TITLE 2, SUBTITLE 6 OF THE TAX - GENERAL
24 ARTICLE, IF THE ADMINISTRATIVE OFFICE OF THE COURTS CERTIFIES TO THE
25 COMPTROLLER THAT A COUNTY OR BALTIMORE CITY IS MORE THAN 90 DAYS IN
26 ARREARS IN PAYING THE AMOUNTS DUE UNDER THIS SUBSECTION, THE
27 COMPTROLLER SHALL WITHHOLD FROM THE COUNTY INCOME TAX OTHERWISE DUE
28 TO BE DISTRIBUTED TO THE COUNTY OR BALTIMORE CITY AND SHALL PAY TO THE
29 ADMINISTRATIVE OFFICE OF THE COURTS THE AMOUNT DUE.

30 **Article - Education**

31 5-205.

- 32 (c) (1) In this subsection, "full-time equivalent enrollment" has the
33 meaning stated in § 5-202 of this subtitle.
- 34 (2) Subject to the limitations under paragraph (3) of this subsection, for
35 fiscal year 2004 and every year thereafter the amount of a county's base grant for
36 student transportation shall be equal to the amount of the county's base grant for
37 student transportation for the previous year increased by the same percentage as the
38 increase in the private transportation category of the Consumer Price Index for all

1 urban consumers, for the Washington-Baltimore metropolitan area, as of July of the
2 fiscal year preceding the year for which the amount is being calculated, plus an
3 additional amount equal to the product of:

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

7 (ii) The difference between the full-time equivalent enrollment in a
8 county for the current fiscal year and the full-time equivalent enrollment in the
9 county for the previous fiscal year, or, if the full-time equivalent enrollment in a
10 county for the current fiscal year is less than the full-time equivalent enrollment in
11 the county for the previous fiscal year, zero.

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

16 5-206.

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

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

24 8-415.

25 (d) (1) In this subsection, "basic cost" as to each county, means the average
26 amount spent by the county from county, State, and federal sources for the public
27 education of a nonhandicapped child. "Basic cost" does not include amounts
28 specifically allocated and spent for identifiable compensatory programs for
29 disadvantaged children.

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

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

38 1. The local share of the basic cost;

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

3 3. An additional amount equal to [20] 25 percent of the
4 approved cost or reimbursement in excess of the sum of items 1 and 2 of this
5 subparagraph.

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

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

12 16-512.

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

17 17-302.

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

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

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

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

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

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

29 **Article - Health - General**

30 10-406.

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

33 (i) The Department shall offer to contract the education program
34 to the local educational agency. [The costs of the contract shall be determined by

1 using the same per pupil costs as is used in the contract of these services at the
2 Regional Institute in Montgomery County.]

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

6 10-409.

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

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

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

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

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

17 13-1004.

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

22 (b) To carry out the evaluation and surveillance functions of this subtitle, the
23 Department may conduct any other tobacco study measuring the factors set forth in §
24 13-1003(c) of this subtitle and using a methodology or model that is consistent with
25 but need not be identical to that used to conduct the Baseline Tobacco Study.

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

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

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

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

35 (d) On or before September 1 of each [even numbered] ODD-NUMBERED
36 fiscal year, beginning in fiscal year [2006] 2007, the Department shall submit a

1 report to the Governor and, subject to § 2-1246 of the State Government Article, the
2 General Assembly on the results of the Biennial Tobacco Study.

3 13-1015.

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

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

10 (2) Media campaigns educating the public about the dangers of
11 secondhand smoke exposure;

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

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

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

16 (B) FOR FISCAL YEAR 2005, THE GOVERNOR SHALL INCLUDE AT LEAST
17 \$12,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE PURPOSES
18 DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

19 13-1107.

20 (E) A COUNTY OR STATEWIDE ACADEMIC HEALTH CENTER THAT RECEIVES
21 FUNDS UNDER A LOCAL PUBLIC HEALTH CANCER GRANT SHALL DEDICATE AT LEAST
22 60% OF THE FUNDS TO CANCER SCREENING, DIAGNOSIS, AND TREATMENT.

23 15-139.

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

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

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

33 (iii) Subject to adjustment in accordance with subsection (e) of this
34 section.

Article - Natural Resources

1-104.

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

(1) A DESCRIPTION OF THE PROPOSED PURCHASE;

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

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

8-709.

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

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

(2) FOR FISCAL YEAR 2006 AND EACH FISCAL YEAR THEREAFTER, AS PROVIDED IN THE STATE BUDGET, THE DEPARTMENT MAY USE UP TO 5% OF THE MONEYS IN THE WATERWAY IMPROVEMENT FUND FOR ADMINISTRATIVE EXPENSES DIRECTLY RELATING TO IMPLEMENTING THE PURPOSES OF THE WATERWAY IMPROVEMENT FUND.

Article - Public Safety

8-202.

(a) There is a Volunteer Company Assistance Fund.

[(b) The Fund is composed of:

(1) the Emergency Assistance Trust Account; and

(2) the Low Interest Revolving Loan Account.]

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

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

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

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

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

7 (e) With the approval of the Board of Public Works, the Department shall
8 adopt regulations to administer the Fund.

9 (F) FOR THE PURPOSE OF MAKING LOANS UNDER THIS SUBTITLE, THE
10 ASSOCIATION SHALL:

11 (1) DEVELOP LOAN CRITERIA;

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

13 (3) RECOMMEND TO THE BOARD OF PUBLIC WORKS THE APPROVAL OR
14 DENIAL OF LOANS.

15 8-204.

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

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

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

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

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

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

28 (2) communications equipment;

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

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

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

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

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

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

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

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

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

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

23 (2) the Department and the volunteer company have executed an
24 agreement that:

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

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

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

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

33 (2) be spent to replace or repair eligible items to the extent that
34 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) (I) [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 (II) 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 FROM THE CONTINGENT FUND OF THE BOARD OF PUBLIC WORKS ARE
28 TRANSFERRED TO THE PROGRAM.

29 7-217.

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

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

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

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

7 7-310.

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

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

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

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

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

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

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

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

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

28 7-311.

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

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

32 (3) "ESTIMATED GENERAL FUND REVENUES" MEANS THE ESTIMATED
33 GENERAL FUND REVENUES STATED IN THE ANNUAL REPORT OF THE BOARD OF
34 REVENUE ESTIMATES SUBMITTED TO THE GOVERNOR UNDER § 6-106 OF THIS
35 ARTICLE.

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

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

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

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

13 7-314.

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

15 (2) "Account" means the Economic Development Opportunities Program
16 Account.

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

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

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

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

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

34 (i) The Legislative Policy Committee may [approve] REVIEW AND COMMENT
35 ON an economic development opportunity that is not an extraordinary economic
36 development opportunity if the executive agency requesting the transfer of funds
37 offers a detailed justification for the exception. The Legislative Policy Committee
38 shall give particular consideration to an exception that would provide a significant

1 economic development opportunity for an area of the State that has a relatively high
2 unemployment rate or relatively low per capita income.

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

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

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

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

18 (1) a detailed description of:

19 (i) the proposed use of the funds;

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

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

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

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

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

30 (i) the economic impact to the State and the local jurisdictions
31 affected;

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

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

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

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

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

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

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

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

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

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

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

27 7-324.

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

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

34 7-325.

35 (a) For each fiscal year, the Governor shall include in the annual budget bill
36 submitted to the General Assembly [an] A GENERAL FUND appropriation for the
37 Maryland State Arts Council in an amount not less than the amount of the GENERAL

1 FUND appropriation for the Council as approved in the State budget as enacted by the
2 General Assembly for the prior fiscal year, increased by not less than the percentage
3 by which the projected total General Fund revenues for the upcoming fiscal year
4 exceed the revised estimate of total General Fund revenues for the current fiscal year,
5 as contained in the report of estimated State revenues submitted by the Board of
6 Revenue Estimates to the Governor under § 6-106(b) of this article.

7 8-112.

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

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

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

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

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

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

20 (i) will be outstanding; and

21 (ii) will be authorized but unissued;

22 (2) the capital program prepared by the Department of Budget and
23 Management;

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

26 (4) projections of debt service requirements during the next 10 fiscal
27 years;

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

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

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

33 (ii) the marketability of State bonds;

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

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

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

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

10 (d) The estimate of the Committee:

11 (1) is advisory; and

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

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

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

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

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

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

31 (6) This estimate:

32 (i) is advisory; and

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

34 (F) (1) IN ADDITION TO THE OTHER DUTIES UNDER THIS SECTION, THE
35 COMMITTEE SHALL REVIEW ON A CONTINUING BASIS THE SIZE AND CONDITION OF

1 ANY DEBT ISSUED BY THE DEPARTMENT OF TRANSPORTATION UNDER TITLE 3,
2 SUBTITLE 6 OF THE TRANSPORTATION ARTICLE.

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

8 (3) AT THE SAME TIME THAT THE COMMITTEE MAKES ITS REPORT AS
9 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE COMMITTEE SHALL
10 SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY THE COMMITTEE'S
11 ESTIMATE OF THE AMOUNT OF NEW BONDS THAT MAY PRUDENTLY BE ISSUED BY
12 THE DEPARTMENT OF TRANSPORTATION UNDER TITLE 3, SUBTITLE 6 OF THE
13 TRANSPORTATION ARTICLE.

14 (4) THE COMMITTEE MAY REQUEST ANY NEEDED INFORMATION FROM
15 THE DEPARTMENT OF TRANSPORTATION AND SHALL CONSIDER THE INFORMATION
16 IN MAKING ITS ESTIMATES, INCLUDING ANY INFORMATION SUBMITTED BY THE
17 DEPARTMENT OF TRANSPORTATION ON ITS OWN INITIATIVE.

18 (5) THIS ESTIMATE:

19 (I) IS ADVISORY; AND

20 (II) DOES NOT BIND THE GENERAL ASSEMBLY, THE BOARD, OR THE
21 GOVERNOR.

22 8-125.

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

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

29 (i)[debt service on State bonds]; and

30 (ii) if approved by the Board, the costs of other capital projects].

31 11-203.

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

34 (2) procurement by a unit from:

35 (i) EXCEPT FOR CONTRACTS WITH A VALUE THAT EXCEEDS
36 \$500,000, another unit;

- 1 (ii) a political subdivision of the State;
2 (iii) an agency of a political subdivision of the State;
3 (iv) a government, including the government of another state, of the
4 United States, or of another country;
5 (v) an agency or political subdivision of a government; or
6 (vi) a bistate, multistate, bicounty, or multicounty governmental
7 agency; or

8 **Article - Tax - General**

9 2-606.

10 (b) (1) In June of each year, from current collections, the Comptroller shall
11 RESERVE AN AMOUNT OF UNALLOCATED REVENUE THAT THE COMPTROLLER
12 ESTIMATES WILL BE CLAIMED ON RETURNS AND REFUNDED TO TAXPAYERS WITHIN
13 3 YEARS OF THE DATE THE INCOME TAX RETURN WAS DUE TO BE FILED, AND
14 distribute to each county, municipal corporation, and special taxing district a pro rata
15 share of THE BALANCE OF THE unallocated individual income tax revenue];

16 (i) with respect to which an income tax return was not filed within
17 3 years after the date the income tax return was due to be filed; and

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

20 2-614.

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

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

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

Article - Tax - Property

13-209.

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

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

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

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

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

Article - Transportation

2-103.1.

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

(i) Be revised annually; and

(ii) Include:

1. A list of Program priorities;

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

3. Expanded descriptions of major capital projects;

4. A list of major capital projects for the current year, the budget request year, and the 4 successive planning years;

5. A list of anticipated minor capital projects, including a specific list of anticipated special projects for the current year and the budget request year and an estimate of the Program level for each of the 4 successive planning years;

6. A list of major bridge work projects;

1 7. A summary of the capital and operating programs, as
2 defined by the Secretary, for the Maryland Transportation Authority;

3 8. For each listed major capital project, an indication
4 whether the revenue source anticipated to support that project consists of federal,
5 special, general, or other funds;

6 9. THE DEPARTMENT'S ESTIMATES OF THE LEVELS AND
7 SOURCES OF REVENUES TO BE USED TO FUND THE PROJECTS IN THE PROGRAM;

8 10. A glossary of terms; and

9 [10.] 11. A cross-reference table for the information contained
10 in the various parts of the State Report on Transportation.

11 6-201.2.

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

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

32 7-402.

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

36 (b) [State general or special funds may not be expended] THE STATE MAY
37 NOT SPEND ANY FUNDS FROM ANY SOURCE for the purpose of studying, developing,
38 or constructing a Maglev system in the State.

1 12-120.

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

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

9 13-955.

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

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

13 (2) The Fund is a continuing, nonlapsing fund which is not subject to §
14 7-302 of the State Finance and Procurement Article.

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

18 (c) The Fund consists of:

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

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

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

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

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

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

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

34 (4) The Maryland Fire and Rescue Institute;

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

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

7 **Chapter 17 of the Acts of 2000**

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

29 **Chapter 440 of the Acts of 2002, as amended by Chapter 203 of the Acts of**
30 **2003**

31 SECTION 25. AND BE IT FURTHER ENACTED, That notwithstanding §
32 16-317 of the Education Article or any other provision of law, the portion of fiscal year
33 2002 and 2003 payments required under § 16-317 of the Education Article for private
34 technology donation incentives that are not funded in the fiscal 2003 budget OR THE
35 FISCAL YEAR 2005 BUDGET shall be deferred until fiscal year [2005] 2006.

36 **Chapter 203 of the Acts of 2003**

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

40 (a) the amount to be distributed under § 8-403(b) of the Transportation Article
41 shall be reduced by \$17,949,407 for fiscal year 2003[,] AND \$102,440,128 for FISCAL

1 YEARS 2004 AND 2005 [fiscal year 2004, and \$51,220,064 for fiscal year 2005] and
2 those amounts shall be distributed to the General Fund; and

3 (b) the amount to be distributed to Baltimore City under § 8-403(a) of the
4 Transportation Article shall be limited to \$171,817,132 in fiscal year 2003 and
5 \$170,000,000 in each of fiscal years 2004 and 2005.

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

9 \$3,000,000 of the funds in the Spinal Cord Injury Research Trust Fund
10 established under § 13-1406 of the Health - General Article;

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

13 \$2,000,000 of the funds in the account of the State Use Industries established
14 under § 3-507 of the Correctional Services Article;

15 \$4,500,000 of the funds in the Central Collection Fund established under §
16 3-306 of the State Finance and Procurement Article;

17 \$163,000 of the funds in the State Board of Dental Examiners Fund established
18 under § 4-207 of the Health Occupations Article;

19 \$251,000 of the funds in the State Board of Physical Therapy Examiners Fund
20 established under § 13-207 of the Health Occupations Article;

21 \$107,000 of the funds in the State Board of Examiners for Psychologists Fund
22 established under § 18-207 of the Health Occupations Article;

23 \$251,000 of the funds in the State Board of Social Work Examiners Fund
24 established under § 19-206 of the Health Occupations Article;

25 \$628,000 of the funds in the State Board of Physicians Fund established under
26 § 14-207 of the Health Occupations Article; and

27 \$41,886,000 of the funds in the special fund established under § 13-209 of the
28 Tax - Property Article, representing excess actual transfer tax collections for fiscal
29 year 2004 that would otherwise be allocated to the special fund for fiscal year 2006 as
30 provided under § 13-209(f)(1) of the Tax - Property Article.

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

<u>1 Fiscal</u>			<u>Amount of Reduction</u>
<u>2 Year</u>	<u>Program</u>	<u>Entitled</u>	<u>General Funds</u>
<u>3 2004</u>	<u>D25E03.02</u>	<u>Board of Public Works - Interagency</u>	<u>2,923,440</u>
<u>4</u>		<u>Committee for School Construction -</u>	
<u>5</u>		<u>Aging School Programs</u>	
<u>6 2004</u>	<u>D38I01.02</u>	<u>State Board of Elections - Help</u>	<u>1,847,000</u>
<u>7</u>		<u>America Vote Act</u>	
<u>8 2004</u>	<u>M00Q01.03</u>	<u>Medical Care Programs</u>	<u>31,300,000</u>
<u>9</u>		<u>Administration - Medical Care</u>	
<u>10</u>		<u>Provider Reimbursements</u>	
<u>11 2004</u>	<u>W00A01.01</u>	<u>Maryland State Police - Office of</u>	<u>4,899,660</u>
<u>12</u>		<u>the Superintendent</u>	
<u>13 2004</u>	<u>W00A01.02</u>	<u>Maryland State Police - Field</u>	<u>52,139,981</u>
<u>14</u>		<u>Operations Bureau</u>	
<u>15 2004</u>	<u>W00A01.03</u>	<u>Maryland State Police - Support</u>	<u>20,917,560</u>
<u>16</u>		<u>Services Bureau</u>	
<u>17 2004</u>	<u>W00A01.04</u>	<u>Maryland State Police -</u>	<u>7,724,085</u>
<u>18</u>		<u>Administrative Services Bureau</u>	
<u>19 2004</u>	<u>W00A01.10</u>	<u>Maryland State Police - Information</u>	<u>4,372,781</u>
<u>20</u>		<u>Technology and Communications</u>	
<u>21</u>		<u>Bureau</u>	

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

24 Article - Agriculture

25 5-207.

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

30 (b) Each application for a certificate by a pest control consultant or pest
 31 control applicator shall be accompanied by a [\$65] \$75 certificate fee plus \$25 for
 32 each category in excess of one. Each application for a private applicator certificate
 33 shall be accompanied by a fee of \$7.

34 (c) Each applicant for a pest control consultant certificate, pest control
 35 applicator certificate, or public agency applicator certificate shall demonstrate
 36 competence to consult on pest control or to apply pesticides safely in the State by
 37 passing a written examination prepared and administered by the Department. There
 38 shall be no charge for an initial examination, provided that each pest control
 39 applicator or each pest control consultant shall pay \$10 for each category of
 40 examination after the initial examination. Each applicant for a private applicator
 41 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

14-12B-02.

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

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

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

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

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

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

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

(iii) In an amount not exceeding [\$50] \$75 for a person who:

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

2. Does not charge an initiation fee or other fee that is not identified as a payment for specified future services;

3. Does not contractually obligate a buyer of health club services to pay in advance of the date the services are provided to the buyer; and

4. Does not collect from a buyer of health club services any payment in advance of the date the services are provided to the buyer.

(4) The fees collected under this subsection may only be used for the administration and enforcement of this subtitle.

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.

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

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

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

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

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

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

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

26 (e) The mailed notice shall contain:

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

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

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

36 17-312.

37 Every person who has filed a report as provided in § 17-310 of this subtitle,
38 [within 20 days after the time specified in § 17-311 of this subtitle for claiming the

1 property from the holder] AT THE TIME OF THE FILING OF THE REPORT, shall pay or
 2 deliver to the administrator all abandoned property specified in the report. [However,
 3 if the owner establishes the right to receive the abandoned property to the satisfaction
 4 of the holder within the time specified in § 17-311 of this subtitle, or if it appears that
 5 for some other reason the presumption of abandonment is erroneous, the property is
 6 no longer presumed abandoned and the holder need not pay or deliver the property to
 7 the administrator, but instead shall file a verified written explanation of the proof of
 8 claim or of the error in the presumption of abandonment.]

9 **Article - Corporations and Associations**

10 1-203.

11 (a) In addition to any organization and capitalization fee required under §
 12 1-204 of this article, SUBJECT TO SUBSECTION (C) OF THIS SECTION, the Department
 13 shall collect the ~~following fees:~~ THE FEES PROVIDED IN THIS SECTION.

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

16 Document
 17 Articles of incorporation
 18 Articles of amendment
 19 Articles of extension
 20 Articles of restatement of charter
 21 Articles of amendment and restatement
 22 Articles supplementary
 23 Articles of share exchange
 24 Articles of consolidation, merger, or transfer
 25 Articles of dissolution
 26 Articles of revival for stock corporation
 27 Articles of revival for nonstock corporation

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

30 (i) Notice of change of address of principal office;
 31 (ii) Notice of change of name or address of resident agent;
 32 (iii) Certificate of correction; and
 33 (iv) Any other documents.

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

36 Reservation of a corporate, limited partnership, limited liability
 37 partnership or limited liability company name \$25

38 Original registration of name of a foreign corporation to end of calendar

- 1 year \$100
- 2 Renewal of registration of name of a foreign corporation for one calendar
3 year \$100
- 4 Documents in connection with the qualification of a foreign corporation to
5 do intrastate business in this State \$100
- 6 Application for registration of a foreign limited partnership, a foreign
7 limited liability partnership, or a foreign limited liability company..... \$100
- 8 OTHER DOCUMENTS \$6

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

- 11 Annual report of a Maryland corporation, except a charitable or benevolent
12 institution, nonstock corporation, savings and loan corporation, credit
13 union, and banking institution \$300
- 14 Annual report of a foreign corporation subject to the jurisdiction of this
15 State, except [an insurance company which pays an annual filing fee of
16 \$25 to the Insurance Commissioner,] A national banking association,
17 savings and loan association, credit union, nonstock corporation, and
18 charitable and benevolent institution \$300
- 19 Annual report of a Maryland savings and loan association, banking
20 institution, or credit union or of a foreign savings and loan association,
21 national banking association, or credit union that is subject to the
22 jurisdiction of this State \$300
- 23 Annual report of a Maryland limited liability company, limited liability
24 partnership, limited partnership, or of a foreign limited liability company,
25 foreign limited liability partnership, or foreign limited partnership \$300
- 26 ANNUAL REPORT OF A BUSINESS TRUST \$300
- 27 Annual report of a real estate investment trust doing business in this State \$300
- 28 [Other documents \$6]

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

- 31 (i) Certificate of limited partnership, certificate of limited liability
32 partnership, articles of organization of a limited liability company, certificate of trust
33 of a business trust, including certificates of amendment and certificates of
34 cancellation, certificates of reinstatement, and articles of reinstatement; and
- 35 (ii) Any statement filed by a partnership under Title 9 of this
36 article.

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

3 Type of Instrument Special Fee

4 Certificate of status of a corporation, partnership, limited partnership,
5 limited liability partnership, or limited liability company of this State or
6 of a foreign corporation, foreign partnership, foreign limited partnership,
7 foreign limited liability partnership, or foreign limited liability company \$20

8 Certified list of the charter papers of a corporation of this State or any
9 certificates of a limited partnership, limited liability partnership, or a
10 limited liability company of this State recorded or filed with the
11 Department \$20

12 Certificate of compliance by a foreign corporation, foreign limited
13 partnership, foreign limited liability partnership, or foreign limited
14 liability company with requirements of law in respect of qualification or
15 registration \$20

16 Certificate of withdrawal of registration or qualification \$20

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

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

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

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

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

27 Recording any document, including financing statements \$50

28 Certificate of status of a corporation, partnership, limited partnership,
29 limited liability partnership, or limited liability company, or a name
30 reservation \$20

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

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

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

4 (C) FOR EACH FEE IDENTIFIED UNDER SUBSECTION (B) OF THIS SECTION AS
5 NONREFUNDABLE, THE DEPARTMENT SHALL ADOPT REGULATIONS TO SPECIFY THE
6 CONDITIONS UNDER WHICH THE FEE SHALL BE NONREFUNDABLE AND THE
7 CONDITIONS UNDER WHICH THE FEE MAY BE APPLIED TO A RESUBMISSION OF A
8 DOCUMENT FOR FILING, RECORDING, OR PROCESSING.

9 11-506.

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

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

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

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

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

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

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

26 Article - Education

27 6-704.

28 (b) (1) The ~~Board~~ DEPARTMENT may establish a fee, not to exceed [\$10]
29 \$75, for issuance or renewal of a teacher certificate.

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

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

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

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 9-1307.

34 (c) A county board of health may establish a permit fee to defray county
35 expenses in inspecting and testing wells. The fee may be charged before a permit
36 required under § 9-1306 of this subtitle is issued. [The fee may not exceed \$80 per
37 well or \$80 per cluster of wells to be used exclusively to transfer heat to or from the

1 ground or groundwater.] A permit shall be valid for a period of 12 months from the
2 date of issuance by the approved delegated permitting authority.

3 **Article - Health - General**

4 2-104.

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

8 (I) INSPECTIONS OR INVESTIGATIONS CARRIED OUT UNDER THIS
9 ARTICLE; AND

10 (II) PERMITS, LICENSES, CERTIFICATIONS, OR REGISTRATIONS
11 ISSUED UNDER THIS ARTICLE.

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

14 8-204.

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

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

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

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

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

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

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

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

31 (4) Gather and disseminate statistics and other information on drug
32 misuse and alcohol misuse and drug misuse and alcohol misuse services;

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

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

2 14-403.

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

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

9 [1. \$75 for day camps;

10 2. \$100 for residential camps;

11 3. \$100 for travel camps; and

12 4. \$100 for trip camps.

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

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

17 17-103.

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

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

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

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

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

27 17-204.

28 The Secretary:

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

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

1 17-207.

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

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

5 (1) The name of the owner;

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

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

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

11 17-506.

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

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

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

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

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

23 19-110.

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

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

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

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

5 19-111.

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

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

11 (2) The fees assessed by the Commission shall be used exclusively to
12 cover the actual documented direct costs of fulfilling the statutory and regulatory
13 duties of the Commission in accordance with the provisions of this subtitle. FOR
14 FISCAL YEARS 2005 AND 2006, THE COSTS OF THE COMMISSION INCLUDE THE
15 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT ON BEHALF OF THE
16 COMMISSION. THE AMOUNT TO BE PAID BY THE COMMISSION TO THE DEPARTMENT
17 FOR ADMINISTRATIVE COSTS WILL BE CALCULATED IN THE SAME MANNER AS
18 INDIRECT COSTS FOR FEDERAL GRANTS, LESS OVERHEAD COSTS PAID DIRECTLY BY
19 THE COMMISSION.

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

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

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

26 19-208.

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

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

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

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

5 19-213.

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

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

11 (d) (8) The Fund shall be used only to provide funding for the Commission
12 and for the purposes authorized under this subtitle. ~~FOR FISCAL YEARS 2005 AND~~
13 ~~2006, THE COSTS OF THE COMMISSION INCLUDE THE ADMINISTRATIVE COSTS~~
14 ~~INCURRED BY THE DEPARTMENT ON BEHALF OF THE COMMISSION. THE AMOUNT TO~~
15 ~~BE PAID BY THE COMMISSION TO THE DEPARTMENT FOR ADMINISTRATIVE COSTS~~
16 ~~WILL BE CALCULATED IN THE SAME MANNER AS INDIRECT COSTS FOR FEDERAL~~
17 ~~GRANTS, LESS OVERHEAD COSTS PAID DIRECTLY BY THE COMMISSION.~~

18 21-308.

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

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

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

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

29 (i) \$150; or

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

31 1. Uses only food that is grown on the property of the
32 licensee; and

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

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

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

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

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

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

10 21-309.

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

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

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

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

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

21 21-331.

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

24 (1) Submit an application to the Department on the form that the
25 Department requires;

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

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

30 21-336.

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

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

3 (i) Not from an approved source; or

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

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

6 (i) Submit an application to the Department on the form that the
7 Department requires;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 21-412.

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

10 (1) Submit an application to the Secretary on the form that the Secretary
11 provides; and

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

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

15 (1) Bobtailer permit \$50.

16 (2) Bulk milk hauler/sampler permit \$50.

17 (3) Certified industry dairy farm inspector permit \$10.

18 (4) Distribution station permit \$25.

19 (5) Milk processor permit \$100.

20 (6) Milk producer permit No fee.

21 (7) Milk transportation company permit \$5, plus \$5 for each
22 milk tank truck.

23 (8) Receiving station permit \$25.

24 (9) Transfer station permit \$25.]

25 21-808.

26 (a) An applicant for a license shall:

27 (1) Submit an application to the Secretary on the form that the Secretary
28 requires; and

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

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

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

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

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

8 (i) 0 to 25,000 gallons \$10

9 (ii) 25,001 to 100,000 gallons \$50

10 (iii) 100,001 to 250,000 gallons \$.100

11 (iv) 250,001 to 500,000 gallons \$150

12 (v) Over 500,000 gallons \$200.]

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

15 (d) The application:

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

17 (2) Shall include:

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

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

22 21-812.

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

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

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

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

31 (3) The amount of the renewal fee.

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

3 (1) Otherwise is entitled to a license;

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

6 (3) Submits to the Secretary:

7 (i) A renewal application on the form that the Secretary requires;
8 and

9 (ii) Satisfactory evidence of compliance with the requirements of
10 this section for renewal.

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

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

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

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

18 (i) 0 to 25,000 gallons \$10

19 (ii) 25,001 to 100,000 gallons \$50

20 (iii) 100,001 to 250,000 gallons \$100

21 (iv) 250,001 to 500,000 gallons \$150

22 (v) Over 500,000 gallons \$200.]

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

25 (f) A license is not transferable.

26 24-407.

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

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

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

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

3 (1) Are made by needlepoint or by hand; and

4 (2) Are sold for use only by:

5 (i) Nursing homes;

6 (ii) Churches; or

7 (iii) Other nonprofit organizations.

8 **Article - State Government**

9 9-1604.

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

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

12 (ii) furnish administrative law judges on a contractual basis to
13 other governmental entities;

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

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

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

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

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

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

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

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

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

27 (i) State agencies; or

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

1 FILING A MARYLAND ESTATE TAX RETURN AND PAYING THE MARYLAND ESTATE TAX
2 IMPOSED ON THE TRANSFER OF THE MARYLAND ESTATE OF THE DECEDENT.

3 10-106.1.

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

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

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

12 10-108.

13 (a) Except as provided in subsection (c) of this section and unless expressly
14 provided otherwise by law, an amendment of the Internal Revenue Code that, for a
15 taxable year that begins in the calendar year in which the amendment is enacted,
16 affects the determination of federal adjusted gross income or federal taxable income,
17 does not affect the determination of Maryland taxable income under this title for any
18 taxable year that begins in the calendar year in which the amendment is enacted.

19 (b) Within 60 days after an amendment of the Internal Revenue Code is
20 enacted, the Comptroller shall prepare and submit to the Governor and, subject to §
21 2-1246 of the State Government Article, the President of the Senate and the Speaker
22 of the House a report that outlines:

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

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

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

30 10-210.1.

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

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

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

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

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

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

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

10 (1) an amount is added to or subtracted from federal adjusted gross
11 income to reflect the determination of the depreciation deduction provided under §
12 167(a) of the Internal Revenue Code and the adjusted basis of property without
13 regard to the additional allowance under § 168(k) of the Internal Revenue Code;
14 [and]

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

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

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

31 10-310.

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

36 11-105.

37 (a) Except as provided in ~~subsection (b)~~ SUBSECTIONS (B) AND (C) of this
38 section, a person who timely files a sales and use tax return is allowed, for the

1 expense of collecting and paying the tax, a credit equal to 0.9% of the gross amount of
2 sales and use tax that the person is to pay to the Comptroller.

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

6 (2) For a vendor who files or is eligible to file a consolidated return under
7 § 11-502 of this title, the credit allowed under paragraph (1) of this subsection is 1.2%
8 of the first \$6,000 of the gross amount of sales and use tax that the person is or would
9 be required to pay with the consolidated return.}

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

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

13 ~~(1) THE CREDIT ALLOWED UNDER SUBSECTION (A) OF THIS SECTION IS~~
14 ~~0.45% OF THE GROSS AMOUNT OF SALES AND USE TAX THAT THE PERSON IS TO PAY~~
15 ~~TO THE COMPTROLLER; AND~~

16 ~~(2) THE CREDIT ALLOWED UNDER SUBSECTION (B) IS:~~

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

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

23 11-206.

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

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

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

27 (ii) party platters;

28 (iii) heated food;

29 (iv) sandwiches suitable for immediate consumption; or

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

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

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

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

3 1. beverages, including coffee, coffee substitutes, cocoa, fruit
4 juices, and tea;

condiments:

6 3. eggs;

7. 4. fish, meat, and poultry;

8 5. fruit, grain, and vegetables;

9 6. milk, including ice cream; and

10 7. sugar.

11 (iii) "Food" does not include:

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

2. a soft drink or carbonated beverage; or

[illegible]

15 (5) "Premises" includes any building, grounds, parking lot, or other area
16 that:

17 (i) a food vendor owns or controls; or

18 (ii) another person makes available primarily for the use of the
19 patrons of 1 or more food vendors.

20 (6) "SNACK FOOD" MEANS:

21 (I) POTATO CHIPS AND STICKS;

22 (II) CORN CHIPS, INCLUDING TORTILLA CHIPS;

23 (III) PRETZELS;

24 (IV) CHEESE PUFFS AND CURLS;

25 (V) PORK RINDS;

26 (VI) EXTRUDED PRETZELS AND CHIPS;

27 (VII) POPPED POPCORN;

28 (VIII) NUTS AND EDIBLE SEEDS; OR

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

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

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

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

13 (2) The exemption under paragraph (1) of this subsection does not apply
14 to:

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

17 (ii) food for immediate consumption; OR

18 (III) SNACK FOOD.

19 (d) The sales and use tax does not apply to:

20 (1) a sale of food:

21 (i) to patients in a hospital when the food charge is included in the
22 regular room rate;

23 (ii) by a church or religious organization;

24 (iii) by a school other than an institution of postsecondary
25 education, including sales at a school by a food concessionaire that is under contract
26 with the school or with its designated contract agent, but not including sales at events
27 that are not sponsored by the school or are not educationally related;

28 (iv) to students at an institution of postsecondary education if the
29 food charge is for a meal plan or is included in the regular charge for room and board;
30 or

31 (v) by a nonprofit food vendor if there are no facilities for food
32 consumption on the premises, unless the food is sold within an enclosure for which a
33 charge is made for admission;

34 (2) if the proceeds of the sale are used to support a bona fide nationally
35 organized and recognized organization of veterans of the armed forces of the United

1 States or auxiliary of the organization or 1 of its units, a sale of food or meals for
2 consumption only on the premises, served by the organization or auxiliary; or

3 (3) if the proceeds of the sale are used to support a volunteer fire
4 company or department or its auxiliary or a volunteer ambulance company or rescue
5 squad or its auxiliary, a sale of food served by the company, department, squad, or
6 auxiliary.

7 (e) The sales and use tax does not apply to a sale of food or any beverage in a
8 vehicle that is being operated in the State while in the course of interstate commerce.

9 (f) The sales and use tax does not apply to a sale for consumption off the
10 premises of:

11 (1) crabs; or

12 (2) seafood that is not prepared for immediate consumption.

13 [(g) (1) In this subsection, "snack food" means:

14 (i) potato chips and sticks;

15 (ii) corn chips;

16 (iii) pretzels;

17 (iv) cheese puffs and curls;

18 (v) pork rinds;

19 (vi) extruded pretzels and chips;

20 (vii) popped popcorn;

21 (viii) nuts and edible seeds; or

22 (ix) snack mixtures that contain any one or more of the foods listed
23 in items (i) through (viii) of this paragraph.

24 (2) The sales and use tax does not apply to the sale of snack food through
25 a vending machine.

26 (h)] (G) The sales and use tax does not apply to the sale through a vending
27 machine of milk, fresh fruit, fresh vegetables, or yogurt.

28 **Article - Tax - Property**

29 14-704.

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

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

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

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

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

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

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

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

12 (c) [If a person submits a request on or before April 15 of the year in which
13 the report is due, the] THE Department may extend [for a period not exceeding 60
14 days] the date for submitting the report UNTIL JUNE 15 OF THE YEAR IN WHICH THE
15 REPORT IS DUE IF A PERSON SUBMITS A REQUEST:

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

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

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

23 (2) EXTENSIONS ARE NOT ACCEPTED BY FACSIMILE.

24 SECTION ~~2~~. 5. AND BE IT FURTHER ENACTED, That the Laws of
25 Maryland read as follows:

26 **Article - Health - General**

27 7-517.

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

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

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

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

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

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

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

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

11 (D) FOR FISCAL YEAR 2004, THE ASSESSMENT REQUIRED BY THIS SECTION
12 SHALL BE PAID ON OR BEFORE JUNE 20, 2004, BASED ON THE ICF-MR INCOME
13 RECEIVED DURING THE PERIOD FROM APRIL 1, 2003 THROUGH MARCH 31, 2004.

14 ~~(D)~~ (E) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
15 SECTION.

16 ~~19-1416.~~

17 (A) ~~IN THIS SECTION:~~

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

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

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

24 (2) ~~THE ASSESSMENT REQUIRED BY THIS SECTION SHALL:~~

25 (I) ~~BE PAID BY THE NURSING FACILITIES IN ACCORDANCE WITH~~
26 ~~THIS SECTION; AND~~

27 (II) ~~TERMINATE AND MAY NOT BE ASSESSED IF:~~

28 1. ~~THE ASSESSMENT IS NOT PERMISSIBLE UNDER SECTION~~
29 ~~1903(W) OF THE SOCIAL SECURITY ACT; OR~~

30 2. ~~THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID~~
31 ~~SERVICES DO NOT APPROVE THE EXCLUSION OF CONTINUING CARE FACILITIES~~
32 ~~FROM THE DEFINITION OF "NURSING FACILITY" UNDER THIS SECTION.~~

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

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

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

7 (H) THE NUMBER OF LICENSED BEDS UPON WHICH PAYMENT OF
8 THE ASSESSMENT WAS CALCULATED.

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

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

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

18 (F) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
19 SECTION.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
21 Health and Mental Hygiene shall submit a request to the federal Centers for
22 Medicare and Medicaid Services for permission to exclude continuing care facilities
23 from the definition of nursing facilities for purposes of the assessment under §
24 19-1416 of the Health General Article, as enacted by Section 2 of this Act.

25 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any
26 other provision of law, the proceeds (net of the expenses directly related to the sale)
27 obtained from the sale of the vessel known as Maryland Independence shall be
28 deposited into the General Fund on or before June 30, 2004.

29 SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any
30 other provision of law, if, between June 1, 2004 and June 30, 2005, executive branch
31 agencies dispose of passenger vehicles that are not essential to core business
32 functions, the proceeds of the sale (net of costs directly related to the sale) of excess
33 vehicles shall be deposited into the General Fund unless otherwise required by
34 federal law or regulation. This provision does not apply to vehicles that are necessary
35 to operations and for which replacement vehicles are required.

36 SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding the
37 provisions of § 8-204 of the Public Safety Article or any other provision of law, in
38 fiscal years 2005, 2006, and 2007, loan repayments from the Volunteer Company
39 Assistance Fund may be used for the purpose of providing grants to the Maryland

1 State Firemen's Association for administrative expenses and grants to widows and
 2 orphans.

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

4 (a) In addition to the distributions provided by § 2-606 of the Tax - General
 5 Article, on or before August 30, 2004, the Comptroller shall distribute from the
 6 unallocated individual revenue account:

7 (1) \$81,000,000 to counties, municipalities, and special taxing districts,
 8 apportioned as described in § 2-606(c) of the Tax - General Article and based on the
 9 income tax collected for calendar year 2002; and

10 (2) \$81,000,000 to the General Fund of the State.

11 (b) The amount distributed to the General Fund of the State shall be
 12 subtracted from the State's liability to counties, municipalities, and special taxing
 13 districts for distributions of unallocated income tax revenue, and the State shall have
 14 no further liability for this amount.

15 SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the
 16 provisions of § 16-317 of the Education Article or Chapter 440 of the Acts of 2002, as
 17 amended by Chapter 203 of the Acts of 2003, or any other provision of law, the
 18 payments for fiscal year 2005 to eligible institutions required under § 16-317 of the
 19 Education Article shall be as follows:

20 <u>Allegany</u>	<u>\$66,500</u>
21 <u>Anne Arundel</u>	<u>87,869</u>
22 <u>Baltimore City</u>	<u>57,120</u>
23 <u>Carroll</u>	<u>68,626</u>
24 <u>Cecil</u>	<u>96,713</u>
25 <u>Prince Frederick</u>	<u>81,464</u>
26 <u>La Plata</u>	<u>34,260</u>
27 <u>Leonardtown</u>	<u>54,983</u>
28 <u>Chesapeake</u>	<u>75,551</u>
29 <u>Catonsville</u>	<u>59,394</u>
30 <u>Dundalk</u>	<u>79,090</u>
31 <u>Essex</u>	<u>60,338</u>
32 <u>Frederick</u>	<u>97,846</u>
33 <u>Garrett</u>	<u>95,897</u>
34 <u>Hagerstown</u>	<u>85,460</u>
35 <u>Harford</u>	<u>100,542</u>
36 <u>Howard</u>	<u>100,816</u>
37 <u>Germantown</u>	<u>51,674</u>
38 <u>Rockville</u>	<u>57,286</u>
39 <u>Takoma Park</u>	<u>83,467</u>
40 <u>Prince George's</u>	<u>101,253</u>
41 <u>Wor-Wic</u>	<u>36,233</u>

1 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the
2 provisions of § 16-305 of the Education Article or any other provision of law, in fiscal
3 year 2005, each Board that received funding under § 16-305(c)(6)(ii) of the Education
4 Article in fiscal year 2004 shall receive the same share of the size factor in fiscal year
5 2005.

6 SECTION 12. AND BE IT FURTHER ENACTED, That a closing balance of at
7 least \$62,000,000 shall be retained in the Annuity Bond Fund for fiscal year 2005.

8 SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding §
9 13-1115 of the Health - General Article, for fiscal year 2005 only the amount of each
10 Statewide Academic Health Center Public Health Grant distributed to the University
11 of Maryland Medical Group or The Johns Hopkins Institutions, respectively, shall be
12 \$1,218,000.

13 SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding §
14 13-209(e) of the Tax - Property Article or any other provision of law, if the actual
15 transfer tax revenue collections for fiscal 2004 exceed the revenue estimates for fiscal
16 2004 by more than \$41,886,000, the first \$750,000 of the excess over \$41,886,000
17 shall be distributed to Baltimore City to be used for park operations in accordance
18 with § 5-903(a)(2)(ii) of the Natural Resources Article. A distribution to Baltimore
19 City under this section shall be implemented by budget amendment during fiscal
20 2005.

21 SECTION 15. AND BE IT FURTHER ENACTED, That Section(s) 4.2 of Article
22 49D - Office for Children, Youth, and Families of the Annotated Code of Maryland be
23 repealed. Any balance remaining in the Subcabinet for Children, Youth, and Families
24 Resource Fund on June 30, 2004 shall revert to the General Fund. On and after July
25 1, 2004, any moneys by law otherwise to be paid or credited to the Subcabinet for
26 Children, Youth, and Families Resource Fund shall be paid or credited to the
27 Subcabinet Fund established under Article 49D, § 4.3 of the Code.

28 SECTION 16. AND BE IT FURTHER ENACTED, That Section(s) 5-216 of
29 Article - Education of the Annotated Code of Maryland be repealed.

30 SECTION 17. AND BE IT FURTHER ENACTED, That Section(s) 24-810 of
31 Article - Health - General of the Annotated Code of Maryland be repealed.

32 SECTION 18. AND BE IT FURTHER ENACTED, That Section(s) 8-206 and
33 8-207 of Article - Public Safety of the Annotated Code of Maryland be repealed.

34 SECTION 19. AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter
35 177 of the Acts of the General Assembly of 1997 be repealed.

36 SECTION 20. AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter
37 178 of the Acts of the General Assembly of 1997 be repealed.

38 SECTION 21. AND BE IT FURTHER ENACTED, That Section(s) 3, 5, 11, 12,
39 and 15 of Chapter 53 of the Acts of the General Assembly of 2003 be repealed.

1 SECTION 4- ~~22~~. AND BE IT FURTHER ENACTED, That if any provision of this
2 Act or the application thereof to any person or circumstance is held invalid for any
3 reason in a court of competent jurisdiction, the invalidity does not affect other
4 provisions or any other application of this Act which can be given effect without the
5 invalid provision or application, and for this purpose the provisions of this Act are
6 declared severable.

7 SECTION 23. AND BE IT FURTHER ENACTED, That § 2-614 of the Tax -
8 General Article, as enacted by Section 1 of this Act, shall take effect July 1, 2004.

9 SECTION 24. AND BE IT FURTHER ENACTED, That the changes to § 7-309
10 of the Tax - General Article, as enacted by Section 4 of this Act, shall be applicable to
11 all decedents dying after December 31, 2003.

12 SECTION 5- ~~25~~. AND BE IT FURTHER ENACTED, That § 10-106.1 of the Tax
13 - General Article, as enacted by Section 4 of this Act, shall be applicable to all
14 taxable years beginning after December 31, 2003.

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

16 (1) the modifications required under § 10-210.1(b)(3) of the Tax -
17 General Article, as enacted by Section 4 of this Act, shall be applicable to all taxable
18 years beginning after December 31, 2002; and

19 (2) the modifications required under § 10-201.1(b)(4) of the Tax -
20 General Article, as enacted by Section 4 of this Act, shall be applicable to all vehicles
21 placed in service after May 31, 2004.

22 SECTION 27. AND BE IT FURTHER ENACTED, That the fee required to be
23 paid with an annual report of an insurance company or a business trust under §
24 1-203(b)(3) of the Corporations and Associations Article, as enacted by Section 4 of
25 this Act, shall be applicable to all annual reports filed after December 31, 2004.

26 SECTION 6- ~~28~~. AND BE IT FURTHER ENACTED, That Section ~~4~~ 4 of this Act
27 shall take effect July 1, 2004.

28 SECTION 7- ~~29~~. AND BE IT FURTHER ENACTED, That, except as provided in
29 ~~Section 6~~ Sections 23 through 28 of this Act, this Act shall take effect June 1, 2004.