

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL NO. 147
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Property Tax Reduction and"; strike beginning with "phasing" in line 20 down through "counties;" in line 21; and in line 23, strike "for a certain fiscal year".

On page 2, strike beginning with "authorizing" in line 2 down through "purposes;" in line 3 and substitute "altering the authorized uses of a certain fund;"; in line 3, strike "for a certain fiscal year"; in line 8, after "year;" insert "repealing a requirement that the State and the counties share the costs of educating certain children with disabilities; prohibiting the State from billing local boards of education for certain services provided for children and adolescents at certain facilities; requiring the Department of Health and Mental Hygiene to continue to provide certain services that were provided at certain facilities as of a certain date; allowing local boards of education to contribute to the cost of certain services provided for children and adolescents at certain facilities;"; strike beginning with "requiring" in line 8 down through "year;" in line 9; in line 13, after "grants;" insert "requiring the Governor to include in the annual budget certain appropriations for certain grants; exempting certain medications from prior authorization requirements under certain pharmacy assistance programs;"; in the same line, strike beginning with "altering" through "program;"; in line 17, after "Commissions;" insert "exempting certain nonprofit health maintenance organizations from the insurance premium tax; requiring certain nonprofit health maintenance organizations to transfer certain funds to a certain Medical Assistance Program Account; requiring certain nonprofit health maintenance organizations to file certain reports with the Maryland Insurance Commission on or before a certain date; requiring the Department of Health and Mental Hygiene to apply for certain waivers under certain circumstances;"; strike beginning with "providing" in line 31 down through "purposes;" in line 33; and strike beginning with "reducing" in line 35 down through "Fund;" in line 38.

On pages 2 and 3, strike beginning with "providing" in line 38 on page 2 down through "coal;" in line 2 on page 3.

(Over)

On page 3, strike beginning with “and” in line 12 down through “renewed” in line 13; in line 13, strike “issuing authority” and substitute “Commissioner”; in line 16, after “manner;” insert “exempting motor fuel purchased by the Department of General Services for use by State agencies from the State motor fuel tax; authorizing certain claims for refunds of motor fuel tax;”; strike beginning with “requiring” in line 31 down through “requirements;” in line 33; in line 39, strike “to”; strike beginning with “altering” in line 41 down through “purposes;” in line 43 and substitute “deferring certain payments for private donation incentives; providing for the amounts of certain grants for a certain fiscal year; authorizing the use of certain funds for certain purposes under certain circumstances for a certain fiscal year;”; and strike beginning with “stating” in line 44 down through “rate;” in line 46.

On page 4, in line 2, after “year;” insert “providing for certain grants to certain local subdivisions for a certain fiscal year;”; strike beginning with “requiring” in line 4 down through “programs;” in line 7 and substitute “requiring that certain State funds available under Program Open Space be used to make a certain grant to Baltimore City;”; in line 8, after “System;” insert “providing that a certain appropriation in the State budget for a certain fiscal year be used solely for the purpose appropriated and may not be transferred to any other program or purpose;”; strike beginning with “requiring” in line 9 down through “amounts;” in line 11; and strike beginning with “authorizing” in line 11 down through “circumstances;” in line 13.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 23 through 27, inclusive.

On page 5, in line 15, strike the first comma and substitute “AND”; in the same line, strike “, and 17-104(d)”; in line 20, after “5-301(j)” insert “(4)”; after line 29, insert:

“BY adding to

Article - Health - General

Section 10-406(d) and 15-119

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)”;

in line 32, after “13-1115(a)(2),” insert “13-1116(a), 13-1117(a).”; and in line 33, strike “15-124(b)(2)”.

On page 6, after line 4, insert:

“BY repealing and reenacting, with amendments,
Article - Health - General
Section 19-727
Annotated Code of Maryland
(2000 Replacement Volume and 2004 Supplement)
(As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special Session)”.

and after line 9, insert:

“BY repealing and reenacting, with amendments,
Article - Insurance
Section 6-101, 6-102(b), and 6-103
Annotated Code of Maryland
(2003 Replacement Volume and 2004 Supplement)
(As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special Session)

BY adding to
Article - Insurance
Section 6-121
Annotated Code of Maryland
(2003 Replacement Volume and 2004 Supplement)”.

On page 7, in line 17, strike “and 3-216(g)(3)”; in line 27, strike “8-406(b),”; in line 28, strike “and”; and in the same line, after “13-203(c)” insert “, and 13-901(f)(1)(ii)2”.

On page 8, in line 2, after “Section” insert “9-303(d),”; and strike in their entirety lines 7 through 11, inclusive.

On pages 8 and 9, strike in their entirety the lines beginning with line 17 on page 8 through line 11 on page 9, inclusive.

(Over)

AMENDMENT NO. 3

On pages 10 and 11, strike in their entirety the lines beginning with line 26 on page 10 through line 19 on page 11, inclusive.

AMENDMENT NO. 4

On page 12, in line 13, strike "ANY" and substitute "THE"; in line 23, strike "FOR FISCAL YEAR 2006 ONLY,"; in line 27, strike "FROM" and substitute "ON OR AFTER"; and in the same line, strike "THROUGH JUNE 30, 2006".

On page 16, in line 29, strike "ANY" and substitute "THE".

AMENDMENT NO. 5

On page 16, in line 21, strike "(1)"; in line 22, strike beginning with "EXCEPT" through "SUBSECTION,"; in line 23, strike "\$25" and substitute "\$40"; and strike in their entirety lines 24 and 25.

AMENDMENT NO. 6

On page 17, in line 6, strike beginning with "EACH" through "2006" and substitute "FISCAL YEAR 2006"; and in line 7, strike "87.5%" and substitute "84.4%".

AMENDMENT NO. 7

On page 18, strike in their entirety lines 10 through 19, inclusive.

AMENDMENT NO. 8

On pages 21 and 22, strike in their entirety the lines beginning with line 30 on page 21 through line 2 on page 22, inclusive.

AMENDMENT NO. 9

On page 31, strike in their entirety lines 31 through 36, inclusive, and substitute:

"(IV) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, \$58,223,132 SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE AND THE REMAINDER SHALL BE ALLOCATED AS PROVIDED IN THE STATE BUDGET OR PURSUANT TO AN

APPROVED BUDGET AMENDMENT.”.

On page 32, strike beginning with “DEDICATED” in line 31 down through “BONDS” in line 34 and substitute “TRANSFERRED TO THE GENERAL FUND OF THE STATE”.

On page 54, strike in their entirety lines 32 through 37, inclusive.

On page 56, strike in their entirety lines 9 through 23, inclusive, and substitute:

“SECTION 18. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2006, \$1,500,000 of the State’s share of funds available under Program Open Space shall be used to make a grant to Baltimore City in accordance with § 5-903(a)(2)(ii) of the Natural Resources Article.”;

and strike in their entirety lines 34 through 38, inclusive.

AMENDMENT NO. 10

On pages 34 and 35, strike in their entirety the lines beginning with line 31 on page 34 through line 16 on page 35, inclusive.

AMENDMENT NO. 11

On pages 35 through 37, strike in their entirety the lines beginning with line 20 on page 35 through line 4 on page 37, inclusive.

On pages 41 and 42, strike in their entirety the lines beginning with line 16 on page 41 through line 2 on page 42, inclusive.

AMENDMENT NO. 12

On page 43, after line 34, insert:

“9-303.

(D) THE MOTOR FUEL TAX DOES NOT APPLY TO MOTOR FUEL THAT IS

(Over)

BOUGHT BY THE DEPARTMENT OF GENERAL SERVICES FOR USE BY STATE AGENCIES.”.

On page 46, after line 10, insert:

“13-901.

(f) (1) A claim for refund of motor fuel tax may be filed by a claimant who pays the tax on:

(ii) motor fuel, as defined in § 9-101 of this article, that:

2. is bought by:

A. the United States or a unit of the United States government;

[or]

B. THE DEPARTMENT OF GENERAL SERVICES FOR USE BY STATE AGENCIES; OR

[B.] C. a person who is required to pay a tax on the same fuel to another state;”.

AMENDMENT NO. 13

On page 45, in line 17, strike the brackets; and in the same line, strike “2008”.

AMENDMENT NO. 14

On pages 48 and 49, strike in their entirety the lines beginning with line 22 on page 48 through line 10 on page 49, inclusive.

On page 59, strike in their entirety lines 7 and 8.

AMENDMENT NO. 15

On pages 49 and 50, strike in their entirety the lines beginning with line 11 on page 49 through line 36 on page 50, inclusive.

On page 59, strike in their entirety lines 9 through 12, inclusive.

AMENDMENT NO. 16

On page 55, in line 2, strike “\$45,000,000” and substitute “\$47,000,000”; in lines 6 and 11, in each instance, strike “\$217,406,748” and substitute “\$217,168,853”; in lines 8 and 13, in each instance, strike “\$1,848,218,347” and substitute “\$1,846,276,347”; and strike in their entirety lines 20 through 43, inclusive, and substitute:

“ <u>Allegany</u>	<u>\$579,198</u>
<u>Anne Arundel</u>	<u>2,456,138</u>
<u>Baltimore City</u>	<u>6,260,000</u>
<u>Baltimore</u>	<u>3,322,881</u>
<u>Calvert</u>	<u>493,056</u>
<u>Caroline</u>	<u>390,274</u>
<u>Carroll</u>	<u>1,103,750</u>
<u>Cecil</u>	<u>607,764</u>
<u>Charles</u>	<u>752,946</u>
<u>Dorchester</u>	<u>436,350</u>
<u>Frederick</u>	<u>1,438,775</u>
<u>Garrett</u>	<u>495,845</u>
<u>Harford</u>	<u>1,253,116</u>
<u>Howard</u>	<u>1,209,698</u>
<u>Kent</u>	<u>224,325</u>
<u>Montgomery</u>	<u>3,489,792</u>
<u>Prince George’s</u>	<u>2,981,184</u>
<u>Queen Anne’s</u>	<u>441,101</u>
<u>St. Mary’s</u>	<u>584,645</u>
<u>Somerset</u>	<u>260,649</u>
<u>Talbot</u>	<u>354,994</u>
<u>Washington</u>	<u>921,468</u>
<u>Wicomico</u>	<u>704,296</u>
<u>Worcester</u>	<u>537,756”.</u>

(Over)

AMENDMENT NO. 17

On pages 57 and 58, strike in their entirety the lines beginning with line 3 on page 57 through line 3 on page 58, inclusive.

AMENDMENT NO. 18

On page 58, strike in their entirety lines 26 through 30, inclusive.

AMENDMENT NO. 19

On page 17, strike beginning with “or” in line 25 down through “Article” in line 27.

On page 19, after line 1, insert:

“10-406.

(D) (1) BEGINNING IN FISCAL YEAR 2007, THE DEPARTMENT MAY NOT BILL A LOCAL BOARD OF EDUCATION FOR ANY SERVICES PROVIDED BY THE STATE AT A REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION:

(I) BEGINNING IN FISCAL YEAR 2007, THE DEPARTMENT SHALL CONTINUE TO PROVIDE THE SAME SCOPE OF SERVICES AT REGIONAL INSTITUTES FOR CHILDREN AND ADOLESCENTS THAT WERE PROVIDED AS OF JANUARY 1, 2005; AND

(II) A LOCAL BOARD OF EDUCATION MAY MAKE A CONTRIBUTION TOWARD THE COST OF SERVICES PROVIDED BY THE STATE AT A REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS.”.

AMENDMENT NO. 20

On page 20, after line 27, insert:

“13-1116.

(a) (1) FOR FISCAL YEAR 2007 AND EACH SUBSEQUENT FISCAL YEAR, THE GOVERNOR SHALL INCLUDE AT LEAST \$10,400,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE STATEWIDE ACADEMIC HEALTH CENTER CANCER RESEARCH GRANTS UNDER THIS SECTION.

(2) Subject to the other provisions of this section, the Department may distribute Statewide Academic Health Center Cancer Research Grants to the University of Maryland Medical Group and the Johns Hopkins Institutions for the purpose of enhancing cancer research activities that may lead to a cure for a targeted cancer and increasing the rate at which cancer research activities are translated into treatment protocols in the State.

13-1117.

(a) (1) FOR FISCAL YEAR 2007 AND EACH SUBSEQUENT FISCAL YEAR, THE GOVERNOR SHALL INCLUDE AT LEAST \$2,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS FOR THE STATEWIDE ACADEMIC HEALTH CENTER TOBACCO-RELATED DISEASES RESEARCH GRANT UNDER THIS SECTION.

(2) Subject to the other provisions of this section, the Department may distribute a Statewide Academic Health Center Tobacco-Related Diseases Research Grant to the University of Maryland Medical Group for the purpose of enhancing research activities that may lead to a reduction in morbidity and mortality rates for tobacco-related diseases in the State.

[(2)] (3) This section may not be implemented until funds are specifically allocated in the State budget for this purpose.”.

AMENDMENT NO. 21

On page 20, after line 32, insert:

“15-119.

(A) (1) THIS SECTION DOES NOT APPLY TO DRUGS COVERED BY

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MANAGED CARE ORGANIZATIONS UNDER § 15-103 OF THIS SUBTITLE.

(2) THIS SECTION APPLIES TO THE MARYLAND PHARMACY ASSISTANCE PROGRAM DEVELOPED UNDER § 15-124 OF THIS SUBTITLE, THE MARYLAND PHARMACY DISCOUNT PROGRAM DEVELOPED UNDER § 15-124.1 OF THIS SUBTITLE, AND ANY OTHER PHARMACY ASSISTANCE PROGRAM DEVELOPED BY THE DEPARTMENT.

(B) ATYPICAL ANTIPSYCHOTIC MEDICATIONS SHALL BE EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS UNDER THE PROGRAM.”.

AMENDMENT NO. 22

On page 23, after line 18, insert:

“19-727.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A health maintenance organization is not exempted from any State, county, or local taxes solely because of this subtitle.

(B) (1) A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE IS NOT SUBJECT TO THE INSURANCE PREMIUM TAX UNDER TITLE 6, SUBTITLE 1 OF THE INSURANCE ARTICLE.

(2) PREMIUMS RECEIVED BY AN INSURER UNDER POLICIES THAT PROVIDE HEALTH MAINTENANCE ORGANIZATION BENEFITS ARE NOT SUBJECT TO THE PREMIUM TAX IMPOSED UNDER TITLE 6, SUBTITLE 1 OF THE INSURANCE ARTICLE TO THE EXTENT:

(I) OF THE AMOUNTS ACTUALLY PAID BY THE INSURER TO A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT OPERATES ONLY AS A HEALTH MAINTENANCE ORGANIZATION; OR

(II) THE PREMIUMS HAVE BEEN PAID BY THAT NONPROFIT HEALTH MAINTENANCE ORGANIZATION.

Article - Insurance

6-101.

(a) The following persons are subject to taxation under this subtitle:

(1) a person engaged as principal in the business of writing insurance contracts, surety contracts, guaranty contracts, or annuity contracts;

(2) a managed care organization authorized by Title 15, Subtitle 1 of the Health - General Article;

(3) a FOR-PROFIT health maintenance organization authorized by Title 19, Subtitle 7 of the Health - General Article;

(4) an attorney in fact for a reciprocal insurer;

(5) the Maryland Automobile Insurance Fund; and

(6) a credit indemnity company.

(b) The following persons are not subject to taxation under this subtitle:

(1) a nonprofit health service plan corporation that meets the requirements established under §§ 14-106 and 14-107 of this article;

(2) a fraternal benefit society;

(3) a surplus lines broker, who is subject to taxation in accordance with Title 3, Subtitle 3 of this article;

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(4) an unauthorized insurer, who is subject to taxation in accordance with Title 4, Subtitle 2 of this article;

(5) the Maryland Health Insurance Plan established under Title 14, Subtitle 5, Part I of this article; [or]

(6) the Senior Prescription Drug Program established under Title 14, Subtitle 5, Part II of this article; OR

(7) A NONPROFIT HEALTH MAINTENANCE ORGANIZATION AUTHORIZED BY TITLE 19, SUBTITLE 7 OF THE HEALTH - GENERAL ARTICLE THAT IS EXEMPT FROM TAXATION UNDER § 501 (C)(3) OF THE INTERNAL REVENUE CODE.

6-102.

(b) Premiums to be taxed include:

(1) the consideration for a surety contract, guaranty contract, or annuity contract;

(2) gross receipts received as a result of capitation payments, supplemental payments, and bonus payments, made to a managed care organization for provider services to an individual who is enrolled in a managed care organization;

(3) subscription charges or other amounts paid to a FOR-PROFIT health maintenance organization on a predetermined periodic rate basis by a person other than a person subject to the tax under this subtitle as compensation for providing health care services to members;

(4) dividends on life insurance policies that have been applied to buy additional insurance or to shorten the period during which a premium is payable; and

(5) the part of the gross receipts of a title insurer that is derived from insurance business or guaranty business.

6-103.

The tax rate is:

- (1) 0% for premiums for annuities; and
- (2) 2% for all other premiums, including:
 - (i) gross receipts received as a result of capitation payments made to a managed care organization, supplemental payments, and bonus payments; and
 - (ii) subscription charges or other amounts paid to a FOR-PROFIT health maintenance organization.

6-121.

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

(2) “NONPROFIT HEALTH MAINTENANCE ORGANIZATION” MEANS A HEALTH MAINTENANCE ORGANIZATION AUTHORIZED BY TITLE 19, SUBTITLE 7 OF THE HEALTH - GENERAL ARTICLE THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

(3) “PREMIUM TAX EXEMPTION VALUE” MEANS THE AMOUNT OF PREMIUM TAXES THAT A NONPROFIT HEALTH MAINTENANCE ORGANIZATION WOULD HAVE BEEN REQUIRED TO PAY IF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION WERE NOT EXEMPT FROM TAXATION UNDER § 6-101(B)(7) OF THIS SUBTITLE.

(B) (1) A NONPROFIT HEALTH MAINTENANCE ORGANIZATION SHALL TRANSFER FUNDS IN AN AMOUNT EQUAL TO THE PREMIUM TAX EXEMPTION VALUE OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION TO THE MEDICAL

(Over)

ASSISTANCE PROGRAM ACCOUNT ESTABLISHED UNDER TITLE 19, SUBTITLE 8 OF THIS ARTICLE TO BE USED TO SUPPORT THE PROVISION OF HEALTH CARE TO ELIGIBLE INDIVIDUALS.

(2) NOTWITHSTANDING THE ALLOCATION PROVIDED UNDER § 19-803(B) OF THIS ARTICLE, THE AMOUNT TRANSFERRED TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT BY A NONPROFIT HEALTH MAINTENANCE ORGANIZATION UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL BE ALLOCATED DIRECTLY TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT; AND

(II) SHALL BE COUNTED TOWARDS THE TOTAL ALLOCATION REQUIRED TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT UNDER § 19-803 (B)(3)(II)2, (III)2, (IV)2, AND (V)2 OF THIS ARTICLE.

(C) A NONPROFIT HEALTH MAINTENANCE ORGANIZATION SHALL TRANSFER TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT:

(1) ON OR BEFORE AUGUST 1, 2005, AN AMOUNT EQUAL TO THE PREMIUM TAX EXEMPTION VALUE OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION FOR THE LAST 6 MONTHS OF FISCAL YEAR 2005; AND

(2) WITHIN 30 DAYS FOLLOWING THE END OF EACH CALENDAR QUARTER, AN AMOUNT EQUAL TO THE PREMIUM TAX EXEMPTION VALUE OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION FOR THE QUARTER.

(D) ON OR BEFORE MARCH 1 OF EACH YEAR, A NONPROFIT HEALTH MAINTENANCE ORGANIZATION SHALL FILE A REPORT WITH THE COMMISSIONER ESTABLISHING THAT THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION TRANSFERRED FUNDS EQUAL TO ITS PREMIUM TAX EXEMPTION VALUE DURING THE PRECEDING CALENDAR YEAR AS REQUIRED BY THIS SECTION.”.

On page 59, after line 4, insert:

“SECTION 24. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall apply to the federal Department of Health and Human Services for any waivers required under 42 CFR § 433.68 to effect the changes to § 19-727 of the Health - General Article and §§ 6-101 and 6-121 of the Insurance Article, as enacted by Section 1 of this Act. The Department of Health and Mental Hygiene, within 5 days after receiving the decision of the Department of Health and Human Services, shall forward a copy of the decision to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401. If a waiver is not approved, the changes to § 19-727 of the Health - General Article and §§ 6-101 and 6-121 of the Insurance Article, as enacted by Section 1 of this Act, shall be null and void without the necessity of any further action by the General Assembly.

SECTION 25. AND BE IT FURTHER ENACTED, That the exemption from the insurance premium tax for nonprofit health maintenance organizations under § 6-101(b)(7) of the Insurance Article, as enacted by Section 1 of this Act, shall be applicable to all subscription charges or other amounts paid to a nonprofit health maintenance organization on or after January 1, 2005. Notwithstanding any other provision of law, on or before August 1, 2005, the Maryland Insurance Commissioner shall refund any premium tax paid before July 1, 2005, by a nonprofit health maintenance organization that is exempt from the premium tax under § 6-101(b)(7) of the Insurance Article, as enacted by Section 1 of this Act.”.

AMENDMENT NO. 23

On page 51, in line 25, after “PROVIDED” insert “IN”; after line 33, insert:

“(II) THE PROGRAM MAY INCLUDE DISEASE MANAGEMENT PROGRAMS;”;

and in line 34, strike “(II)” and substitute “(III)”.

On page 52, in lines 7 and 10, in each instance, strike the period and substitute a semicolon; in line 8, strike “(III)” and substitute “(IV)”; in lines 9 and 13, in each instance, strike “(II)” and substitute “(III)”; in line 11, strike “(IV)” and substitute “(V)”; and in line 13, after “\$700” insert “; AND”

(Over)

(VI) THE PRESCRIPTION DRUG BENEFIT PLAN MAY INCLUDE THE FOLLOWING PROGRAMMATIC CHANGES:

1. IMPLEMENTATION OF A STEP THERAPY PROGRAM TO ASSURE THAT LOWER COST ALTERNATIVES ARE USED FIRST;
2. CHANGES IN THE PHARMACY NETWORK;
3. LIMITATIONS ON THE FIRST PRESCRIPTION FOR A MAINTENANCE DRUG;
4. LIMITATIONS ON THE QUANTITY OF DRUGS DISPENSED TO REDUCE INAPPROPRIATE OR EXCESSIVE DRUG USAGE;
5. REQUIREMENTS FOR PRIOR AUTHORIZATION OF DRUGS TO ENSURE THAT THEY ARE MEDICALLY NECESSARY; AND
6. IMPLEMENTATION OF A DRUG UTILIZATION REVIEW PROGRAM”.

AMENDMENT NO. 24

On page 58, after line 25, insert:

“SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, \$90,751,833 of the appropriation contained in the State budget for the fiscal year ending June 30, 2005, program N00G00.09, Purchase of Child Care, shall be used solely for the purpose appropriated and may not be transferred to any other program or purpose.”.

AMENDMENT NO. 25

On page 54, after line 14, insert:

“SECTION 12. AND BE IT FURTHER ENACTED, That, contingent on the appropriation by approved budget amendment of the amounts provided in Section 11(a) and (b) of this Act, and

notwithstanding § 7-317 of the State Finance and Procurement Article or any other provision of law, for fiscal 2006 only, funds may be appropriated and transferred by budget amendment from unexpended revenues and balances of the Cigarette Restitution Fund in the following amounts for the purposes specified:

(a) Contingent on the Cigarette Restitution Funds available for expenditure in fiscal 2006 exceeding \$130,477,000, \$1,500,000 to the State Department of Education, to be distributed as Literacy Works Grants in order to reduce the waiting list for adult education and literacy services;

(b) Contingent on Chapter ____ (S.B. 586) of the Acts of the General Assembly of 2005 taking effect, the Cigarette Restitution Funds available for expenditure in fiscal 2006 exceeding \$131,977,000, and the approval of a budget amendment appropriating the amount for the purpose specified in subsection (a) of this section, \$250,000 to the Department of Labor, Licensing, and Regulation for the Maryland Summer Youth Connection Program;

(c) Contingent on the Cigarette Restitution Funds available for expenditure in fiscal 2006 exceeding \$132,227,000 and contingent on the approval of a budget amendment appropriating the amount for the purpose specified in subsection (b) of this section, if Chapter ____ (S.B. 586) of the Acts of the General Assembly of 2005 is enacted, or on the approval of a budget amount appropriating the amount specified in subsection (a) of this section if Chapter ____ (S.B. 586) is not enacted, \$847,000 to the State Department of Education for the funding of family support centers;

(d) Contingent on the Cigarette Restitution Funds available for expenditure in fiscal 2006 exceeding \$133,074,000 and the approval of a budget amendment appropriating the amount for the purpose specified in subsection (c) of this section, \$1,000,000 to the State Department of Education for the purchase of textbooks for nonpublic schools; and

(e) Contingent on the Cigarette Restitution Funds available for expenditure in fiscal 2006 exceeding \$134,074,000 and the approval of a budget amendment appropriating the amount for the purpose specified in subsection (d) of this section, \$350,000 to the Department of Aging for the Senior Nutrition Program.”.

AMENDMENT NO. 26

On page 50, in line 37, strike “7.” and substitute “4.”.

(Over)

On page 52, in line 27, strike "8." and substitute "5.".

On page 53, in lines 17, 21, 28, 35, and 40, strike "9.", "10.", "11.", "12.", and "13.", respectively, and substitute "6.", "7.", "8.", "9.", and "10.", respectively.

On page 54, in lines 3, 15, 24, and 38, strike "14.", "15.", "16.", and "18.", respectively, and substitute "11.", "13.", "14.", and "15.", respectively.

On page 55, in line 14, strike "19." and substitute "16.".

On page 56, in lines 1, 24, and 39, strike "20.", "22.", and "24.", respectively, and substitute "17.", "19.", and "20.", respectively; and in lines 25 and 30, in each instance, after "Policy" insert "Analysis".

On page 58, in line 31, strike "27." and substitute "22.".

On page 59, in lines 3, 5, 13, 18, 21, and 23, strike "28.", "29.", "32.", "33.", "34.", and "35.", respectively, and substitute "23.", "26.", "27.", "28.", "29.", and "30.", respectively; in lines 13, 15, and 17, in each instance, strike "7" and substitute "4"; in lines 18 and 21, strike "8" and "9", respectively, and substitute "5" and "6", respectively; and in line 24, strike "28 through 34" and substitute "23 through 29".