

ENROLLED BILL

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

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

Speaker.

CHAPTER _____

1 AN ACT concerning

2

Budget Financing Act of 2005

3

Property Tax Reduction and Budget Reconciliation and Financing Act of

4

2005

5 ~~FOR the purpose of authorizing the Director of the Maryland Historical Trust to set~~
6 ~~certain fees; authorizing a fee to be assessed for the Drinking Driver Monitor~~
7 ~~Program; establishing the Drinking Driver Monitor Program Fund and~~
8 ~~providing for its administration; altering a certain surcharge on certain costs in~~
9 ~~certain civil cases in the District Court of Maryland; altering the distribution of~~
10 ~~certain revenue by the Comptroller; authorizing the Department of Health and~~
11 ~~Mental Hygiene to file claims against the estates of certain deceased individuals~~
12 ~~within a certain time; altering certain maximum copayments under a certain~~
13 ~~program; authorizing certain administrative charges to certain Commissions in~~
14 ~~the Department of Health and Mental Hygiene; removing certain limitations on~~
15 ~~certain fees assessed by certain Commissions; exempting motor fuel purchased~~
16 ~~by the Department of General Services for use by State agencies from the State~~
17 ~~motor fuel tax; making the provisions of this Act severable; providing for the~~

1 effective date of this Act; and generally relating to the financing of State
2 government.

3 FOR the purpose of phasing out over a certain period certain State aid to certain
4 counties; providing for the distribution of the proceeds of certain fees to a special
5 fund, to be used only for certain purposes; authorizing a fee to be assessed for
6 the Drinking Driver Monitor Program for a certain fiscal year *certain fiscal*
7 *years*; establishing the Drinking Driver Monitor Program Fund and providing
8 for its administration; prohibiting judges from receiving certain salary increases
9 under certain circumstances; altering the frequency with which the Judicial
10 Compensation Commission is to take certain actions; altering a certain
11 surcharge on certain costs in certain civil cases in the District Court of
12 Maryland; altering the distribution of certain revenue by the Comptroller;
13 authorizing the use of certain State funds for certain purposes; altering the
14 authorized uses of a certain fund; altering for a certain fiscal year *certain fiscal*
15 *years* a certain fee imposed on certain persons that a court places under the
16 supervision of the Division of Parole and Probation; altering certain State grants
17 to county boards of education for a certain fiscal year; altering the due dates for
18 certain reports; altering the county share of costs for educating certain students
19 for a certain fiscal year; *repealing a requirement that the State and the counties*
20 *share the costs of educating certain children with disabilities; prohibiting the*
21 *State from billing local boards of education for certain services provided for*
22 *children and adolescents at certain facilities; requiring the Department of Health*
23 *and Mental Hygiene to continue to provide certain services that were provided at*
24 *certain facilities as of a certain date; allowing local boards of education to*
25 *contribute to the cost of certain services provided for children and adolescents at*
26 *certain facilities; requiring a certain enrollment projection to be used in certain*
27 *calculations beginning in a certain year; altering a certain time limit for the*
28 *filing of certain claims against the estates of deceased Medicaid recipients;*
29 *altering certain requirements relating to certain studies; altering certain*
30 *requirements for allocation of certain funds; altering the computation of certain*
31 *State grants; exempting certain medications from prior authorization*
32 *requirements under certain pharmacy assistance programs; altering certain*
33 *maximum copayments under a certain program; authorizing certain*
34 *administrative charges to certain Commissions in the Department of Health*
35 *and Mental Hygiene for a certain fiscal year; altering for a certain fiscal year*
36 *certain limitations on certain fees assessed by certain Commissions; exempting*
37 *certain nonprofit health maintenance organizations from the insurance premium*
38 *tax; requiring certain nonprofit health maintenance organizations to transfer*
39 *certain funds to a certain Medical Assistance Program Account; requiring certain*
40 *nonprofit health maintenance organizations to file certain reports with the*
41 *Maryland Insurance Commission on or before a certain date; requiring the*
42 *Department of Health and Mental Hygiene to apply for certain waivers under*
43 *certain circumstances; establishing an Employment Standards Service Unit and*
44 *a Prevailing Wage Unit in the Division of Labor and Industry to enforce certain*
45 *laws; requiring the Governor to include in the annual budget bill certain*
46 *amounts for certain purposes; altering certain reporting requirements for*
47 *certain information technology development projects; altering certain*
48 *requirements relating to legislative review of certain transfers from certain*

1 special accounts or certain modifications to certain guidelines; altering a certain
2 requirement that a certain percentage of appropriations from the Cigarette
3 Restitution Fund be made for certain purposes; *providing for the manner of*
4 *accounting for the proceeds of certain refunding bonds*; making certain technical
5 corrections; establishing a State Employees and Retirees Health and Welfare
6 Benefits Fund; requiring certain revenues to be placed in the Fund in certain
7 fiscal years; providing that moneys in the Fund may only be used for certain
8 purposes; delaying the implementation of certain provisions of law relating to
9 the Postretirement Health Benefits Fund; altering the distribution of the
10 transfer tax revenues for a certain fiscal year; ~~providing for the dedication of~~
11 ~~certain State transfer tax revenues to the Annuity Bond Fund, to be used for~~
12 ~~certain purposes~~; altering the frequency with which a certain transportation
13 plan is required to be revised; requiring the Department of Transportation to
14 submit certain information to the General Assembly; ~~reducing a certain amount~~
15 ~~required to be appropriated to the Transportation Trust Fund under certain~~
16 ~~circumstances by the amount of certain appropriations or transfers to the~~
17 ~~Transportation Trust Fund; providing for the termination of the credit allowed~~
18 ~~against the public service company franchise tax for the purchase of~~
19 ~~Maryland mined coal after a certain date; limiting the credit allowed for certain~~
20 ~~calendar years to the amount of credit approved by the Department of~~
21 ~~Assessments and Taxation; providing for applications to the Department for~~
22 ~~approval of the credit for certain calendar years; limiting the total amount of~~
23 ~~credits that the Department may approve for certain calendar years to certain~~
24 ~~amounts; requiring that at least a certain amount of the credits approved each~~
25 ~~calendar year be reserved for the purchase of Maryland mined coal that will be~~
26 ~~used in a Maryland facility; requiring the Department to approve a prorated~~
27 ~~credit for each applicant if the total amount applied for exceeds the maximum~~
28 ~~that may be approved for the calendar year; repealing a credit allowed against~~
29 ~~the income tax for the purchase of Maryland mined coal; altering the rate of a~~
30 certain tax imposed on certain pass-through entities; requiring certain
31 pass-through entities to pay a tax based on certain income of nonresident entity
32 shareholders, partners, or members under certain circumstances; altering a
33 certain credit allowed for certain tax paid by certain pass-through entities;
34 requiring an addition modification under the Maryland income tax on
35 individuals and corporations for the amount of a certain deduction allowed for
36 federal income tax purposes relating to certain production activities income;
37 clarifying a certain modification under the Maryland income tax relating to
38 certain federal tax changes; requiring that before certain licenses issued by the
39 Insurance Commissioner are renewed ~~and before certain registrations issued by~~
40 ~~the Motor Vehicle Administration are renewed, the issuing authority~~
41 *Commissioner* shall verify through the Office of the Comptroller that certain
42 taxes and unemployment insurance contributions have been paid or that
43 payment has been provided for in a certain manner; *exempting motor fuel*
44 *purchased by the Department of General Services for use by State agencies from*
45 *the State motor fuel tax; authorizing certain claims for refunds of motor fuel tax;*
46 altering the rate of tax to be withheld on certain winnings derived from
47 wagering; requiring the withholding of tax at a certain rate on certain
48 distributions; altering the rate of tax that must be paid to the clerk of the circuit

1 court for a county or to the Department of Assessments and Taxation prior to the
2 recording of certain deeds for the sale of certain property; altering a certain
3 credit allowed for the expense of collecting and paying the sales and use tax;
4 altering certain circumstances under which an employer is required to base
5 withholding for an employee on not more than the actual number of exemptions
6 allowed on the employee's prior year's return; authorizing the Comptroller
7 under certain circumstances to withhold certain tax refunds and other
8 payments owed by the State to certain persons and to pay certain amounts to
9 local subdivisions that have certified delinquent tax or other liabilities of certain
10 persons; providing for certain procedures relating to certain certifications and
11 withholding of certain tax refunds and other payments owed by the State;
12 authorizing certain disclosure of certain tax information under certain
13 circumstances; requiring the Director of the Maryland Historical Trust to adopt
14 certain regulations to charge certain fees, subject to certain limitations and
15 requirements; establishing certain levels of benefits for certain fiscal years for
16 the State Employee and Retiree Health and Welfare Benefits Program;
17 repealing a provision of law that makes certain State aid for public elementary
18 and secondary education contingent on the adoption of a certain joint resolution
19 by the General Assembly; repealing a limitation on certain State aid for
20 education to a certain amount if the joint resolution is not adopted; repealing a
21 requirement that the Department of Legislative Services to calculate certain
22 State aid for public elementary and secondary education in a certain manner;
23 altering the commission that a licensed agent of the State Lottery Agency is
24 required to be paid on sales made during a year; repealing a certain special fund;
25 altering for a certain fiscal year a certain appropriation the Governor is required
26 to include in the annual budget for certain purposes; deferring certain payments
27 for private donation incentives; providing for the amounts of certain grants for a
28 certain fiscal year; authorizing the use of certain funds for certain purposes
29 under certain circumstances for a certain fiscal year; authorizing the use of
30 certain funds from a certain demutualization for certain purposes; stating the
31 intent of the General Assembly that certain revenues provided for payment of
32 debt service on State bonds be used to provide a certain reduction in the State
33 property tax rate; authorizing the transfer of certain funds from a certain
34 special account by budget amendment to be used for certain purposes; altering
35 certain distributions from a certain fund to certain local subdivisions for a
36 certain fiscal year; providing for the distribution of certain amounts to the
37 General Fund; reducing and transferring to a certain special fund a certain
38 unexpended appropriation; requiring that certain transfer tax revenue in excess
39 of a certain budget estimate be distributed to Baltimore City to be used for
40 certain purposes in a certain fiscal year; authorizing the use of certain transfer
41 tax revenue in a certain fiscal year for certain programs; requiring that certain
42 State funds available under Program Open Space be used to make a certain
43 grant to Baltimore City; providing for the appointment of certain employees to
44 certain positions in the State Personnel Management System; providing that a
45 certain appropriation in the State budget for a certain fiscal year be used solely
46 for the purpose appropriated and may not be transferred to any other program or
47 purpose; providing for the allocation of certain grants based on certain formulas;
48 requiring the Governor to include in the budget bill for a certain fiscal year a

1 certtain general fund appropriation for a certain purpose; requiring that certain
 2 lottery revenues for a certain fiscal year be distributed to a special fund to be
 3 used only for certain purposes; requiring that certain grant funds be provided to
 4 certain counties in certain amounts; authorizing the Governor by budget
 5 amendment to appropriate a certain amount for certain purposes under certain
 6 circumstances; stating certain intent of the General Assembly; requiring certain
 7 studies and reports; authorizing the Department of Transportation to spend
 8 certain federal funds for the purpose of completing a certain study on a magnetic
 9 levitation transportation system; requiring the Department of Health and Mental
 10 Hygiene to submit a certain certification to certain committees of the General
 11 Assembly before submitting certain regulations for legislative review; providing
 12 that for certain qualified rehabilitation projects for which a certain application
 13 was submitted before a certain date, the qualified rehabilitation expenditures for
 14 which a certain tax credit may be claimed may exceed a certain stated estimated
 15 amount, subject to a certain limitation; making the provisions of this Act
 16 severable; providing for the effective date of certain provisions of this Act;
 17 providing for the termination of certain provisions of this Act; providing for the
 18 application of certain provisions of this Act; and generally relating to the
 19 financing of State government.

20 ~~BY repealing and reenacting, with amendments,~~
 21 ~~Article 83B—Department of Housing and Community Development~~
 22 ~~Section 5-801(b)(1)~~
 23 ~~Annotated Code of Maryland~~
 24 ~~(2003 Replacement Volume and 2004 Supplement)~~

25 ~~BY repealing and reenacting, with amendments,~~
 26 ~~Article 24—Political Subdivisions—Miscellaneous Provisions~~
 27 ~~Section 9-1102~~
 28 ~~Annotated Code of Maryland~~
 29 ~~(2001 Replacement Volume and 2004 Supplement)~~

30 BY repealing and reenacting, with amendments,
 31 Article - Correctional Services
 32 Section 6-104
 33 Annotated Code of Maryland
 34 (1999 Volume and 2004 Supplement)

35 BY adding to
 36 Article - Correctional Services
 37 Section 6-115 and 6-116
 38 Annotated Code of Maryland
 39 (1999 Volume and 2004 Supplement)

40 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
2 Section ~~7-301(a), (b), and (c)~~ 1-703, 1-708(c), 7-301, and 13-603(c)
3 Annotated Code of Maryland
4 (2002 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article - Criminal Procedure
7 Section 6-226(a)
8 Annotated Code of Maryland
9 (2001 Volume and 2004 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Procedure
12 Section 6-226(b) and (g)
13 Annotated Code of Maryland
14 (2001 Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 5-206(g); and 8-415(d); and 17-104(d)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Education
22 Section 5-301(j)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2004 Supplement)
25 (As enacted by Chapters 306 and 307 of the Acts of the General Assembly of
26 2004)

27 BY repealing and reenacting, with amendments,
28 Article - Estates and Trusts
29 Section 8-103(f)
30 Annotated Code of Maryland
31 (2001 Replacement Volume and 2004 Supplement)

32 BY adding to
33 Article - Health - General
34 Section 10-406(d) and 15-119
35 Annotated Code of Maryland
36 (2000 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Health - General
3 Section ~~45-124~~, 13-1004, 13-1014(d), 13-1015, 13-1108(c)(3), 13-1115(a)(2),
4 13-1116(a), 13-1117(a), 13-1118(a), 13-1119(d), 45-124(b)(2), 19-110(b),
5 19-111(c), 19-208(b), and 19-213(c)(1) and (d)(8)
6 Annotated Code of Maryland
7 (2000 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article - Health - General
10 Section 19-213(a) and (b)
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 19-727
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2004 Supplement)
18 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special
19 Session)

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article - Tax - General~~
22 ~~Section 9-303~~
23 ~~Annotated Code of Maryland~~
24 ~~(2004 Replacement Volume)~~

25 BY repealing and reenacting, with amendments,
26 Article - Insurance
27 Section 6-101, 6-102(b), and 6-103
28 Annotated Code of Maryland
29 (2003 Replacement Volume and 2004 Supplement)
30 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special
31 Session)

32 BY adding to
33 Article - Insurance
34 Section 6-121
35 Annotated Code of Maryland
36 (2003 Replacement Volume and 2004 Supplement)

37 BY repealing and reenacting, with amendments,

1 Article - Labor and Employment
2 Section 2-107 and 11-403(a)(1)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article - Natural Resources
7 Section 1-104(a)(6)
8 Annotated Code of Maryland
9 (2000 Replacement Volume and 2004 Supplement)

10 BY adding to
11 Article - Natural Resources
12 Section 1-104(l)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - State Finance and Procurement
17 Section 7-310(a), 7-314(a)(1) and (2), 7-317(a), and 7-324(a)
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - State Finance and Procurement
22 Section 3-410.2(n), 7-310(d)(2) and (f)(2), 7-314(d), (i), (j), (o), and (p), 7-317(g),
23 7-324(d), 8-131(g), and 8-132(c)
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2004 Supplement)

26 BY adding to
27 Article - State Personnel and Pensions
28 Section 2-516
29 Annotated Code of Maryland
30 (2004 Replacement Volume)

31 BY repealing and reenacting, with amendments,
32 Article - State Personnel and Pensions
33 Section 34-101
34 Annotated Code of Maryland
35 (2004 Replacement Volume)

36 BY repealing and reenacting, with amendments,

1 Article - Tax - Property
2 Section 13-209
3 Annotated Code of Maryland
4 (2001 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Transportation
7 Section 2-103.1(d) and ~~3-216(g)(3)~~
8 Annotated Code of Maryland
9 (2001 Replacement Volume and 2004 Supplement)

10 BY adding to
11 Article - Transportation
12 Section 2-103.1(l)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Tax - General
17 Section ~~8-406(b)~~, 10-102.1, 10-210.1(b)(3), 10-305(d), 10-701.1, 10-908(d),
18 10-910(b), 10-912(c), 11-105, ~~and~~ 13-203(c), and 13-901(f)(1)(ii)2.
19 Annotated Code of Maryland
20 (2004 Replacement Volume)

21 BY repealing and reenacting, without amendments,
22 Article - Tax - General
23 Section 10-204(a) and 10-305(a)
24 Annotated Code of Maryland
25 (2004 Replacement Volume)

26 BY adding to
27 Article - Tax - General
28 Section 9-303(d), 10-204(i), 10-908(f); and 13-925 through 13-927, inclusive, to
29 be under the new part "Part V. Political Subdivision Liabilities -
30 Withholding of Tax Refunds and Payments"
31 Annotated Code of Maryland
32 (2004 Replacement Volume)

33 BY repealing
34 Article Tax General
35 Section 10-704.1
36 Annotated Code of Maryland
37 (2004 Replacement Volume)

1 BY repealing and reenacting, with amendments,

2 Article - Insurance

3 Section 10-115

4 Annotated Code of Maryland

5 (2003 Replacement Volume and 2004 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article - Transportation

8 Section 1-103

9 Annotated Code of Maryland

10 (2001 Replacement Volume and 2004 Supplement)

11 BY adding to

12 Article - Transportation

13 Section 13-406.2

14 Annotated Code of Maryland

15 (2002 Replacement Volume and 2004 Supplement)

16 BY adding to

17 Article 83B - Department of Housing and Community Development

18 Section 5-801(b)(7)

19 Annotated Code of Maryland

20 (2003 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article 83B - Department of Housing and Community Development

23 Section 5-801(d)(3)(iii)1.

24 Annotated Code of Maryland

25 (2003 Replacement Volume and 2004 Supplement)

26 BY adding to

27 Article - Housing and Community Development

28 Section 5-403(b)(7)

29 Annotated Code of Maryland

30 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of

31 2005)

32 BY repealing and reenacting, with amendments,

33 Article - Housing and Community Development

34 Section 5-403(d)(3)(iii)1.

35 Annotated Code of Maryland

36 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of

37 2005)

1 BY repealing and reenacting, with amendments,

2 Article - State Personnel and Pensions

3 Section 2-501, 2-502, and 2-503(b)

4 Annotated Code of Maryland

5 (2004 Replacement Volume)

6 BY repealing and reenacting, without amendments,

7 Article - State Personnel and Pensions

8 Section 2-503(a) and 2-504

9 Annotated Code of Maryland

10 (2004 Replacement Volume)

11 BY repealing

12 Article - Education

13 Section 5-202(c)

14 Annotated Code of Maryland

15 (2004 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article - State Government

18 Section 9-117

19 Annotated Code of Maryland

20 (2004 Replacement Volume)

21 BY repealing

22 Article - Correctional Services

23 Section 8-301 through 8-305 and the subtitle "Subtitle 3. Law Enforcement and

24 Correctional Training Fund"

25 Annotated Code of Maryland

26 (1999 Volume and 2004 Supplement)

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

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

29 **~~Article 83B—Department of Housing and Community Development~~**

30 ~~§ 801.~~

31 (b) (1) ~~The Director shall adopt regulations to:~~

32 (i) ~~Establish procedures and standards for certifying heritage~~

33 ~~structures and rehabilitations under this section;~~

34 (ii) ~~CHARGE A REASONABLE FEE TO CERTIFY HERITAGE~~

35 ~~STRUCTURES AND REHABILITATIONS UNDER THIS SECTION;~~

1 (III) For commercial rehabilitations, establish an application process
2 for the award of initial credit certificates for Maryland heritage structure
3 rehabilitation tax credits consistent with the requirements of this subsection; and

4 ~~[(iii)]~~ (IV) For commercial rehabilitations, establish a competitive
5 award process for the award of initial credit certificates for Maryland heritage
6 structure rehabilitation tax credits that:

7 1. Ensures tax credits are awarded in a manner that reflects
8 the geographic diversity of the State;

9 2. Favors the award of tax credits for rehabilitation projects
10 that are consistent with and promote current growth and development policies and
11 programs of the State; and

12 3. A. Favors the award of tax credits for structures that are
13 listed in the National Register of Historic Places or are designated as historic
14 properties under local law and determined by the Director to be eligible for listing in
15 the National Register of Historic Places; or

16 B. Favors the award of tax credits for structures that are
17 contributing buildings with historic significance and are located in historic districts
18 listed in the National Register of Historic Places.

19 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

20 9-1102.

21 (a) ~~[Except as provided in subsection (b) of this section, for] FOR each fiscal~~
22 ~~year THAT BEGINS ON OR BEFORE JULY 1, 2008, the State shall pay A PERCENTAGE~~
23 ~~OF the following amounts AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION to the~~
24 ~~following counties to reimburse the counties partially for the costs of the property tax~~
25 ~~exemption under § 7-237 of the Tax - Property Article:~~

26	<u>Anne Arundel</u>	<u>\$ 7,820,202</u>
27	<u>Baltimore City</u>	<u>453,421</u>
28	<u>Baltimore</u>	<u>1,794,835</u>
29	<u>Calvert</u>	<u>6,096,574</u>
30	<u>Charles</u>	<u>2,522,612</u>
31	<u>Dorchester</u>	<u>187,442</u>
32	<u>Garrett</u>	<u>11,907</u>
33	<u>Harford</u>	<u>860,767</u>
34	<u>Montgomery</u>	<u>2,765,553</u>
35	<u>Prince George's</u>	<u>7,744,806</u>
36	<u>Washington</u>	<u>357,082</u>

37 (b) (1) ~~For the fiscal year that begins on July 1, [2000] 2005, the State shall~~
38 ~~pay [50%] 80% of the amounts specified in subsection (a) of this section.~~

1 ~~(2) FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 2006, THE STATE~~
2 ~~SHALL PAY 60% OF THE AMOUNTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.~~

3 ~~(3) FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 2007, THE STATE~~
4 ~~SHALL PAY 40% OF THE AMOUNTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.~~

5 ~~(4) FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 2008, THE STATE~~
6 ~~SHALL PAY 20% OF THE AMOUNTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.~~

7 ~~(e) The Comptroller shall pay the amounts provided under this section to the~~
8 ~~counties in equal amounts for each quarter at the end of each quarter of the fiscal~~
9 ~~year for which the payments are made.~~

10 ~~(d) 35% of the payment received by Washington County under this section~~
11 ~~shall be paid to the Town of Williamsport.~~

12 **Article - Correctional Services**

13 6-104.

14 (a) Subject to the authority of the Secretary and in addition to any other
15 duties established by law, the Division:

16 (1) shall:

17 (i) supervise the conduct of parolees;

18 (ii) supervise an individual under mandatory supervision until the
19 expiration of the individual's maximum term or terms of confinement;

20 (iii) regularly inform the Commission of the activities of offenders
21 who are supervised by the Division;

22 (iv) issue a warrant for the retaking of an offender charged with a
23 violation of a condition of parole or mandatory supervision, if this authority is
24 delegated by the Commission to the Director of the Division; and

25 (v) administer the Drinking Driver Monitor Program [and], collect
26 supervision fees, AND ADOPT GUIDELINES FOR COLLECTING THE MONTHLY
27 PROGRAM FEE ASSESSED IN ACCORDANCE WITH § 6-115 OF THIS SUBTITLE [in
28 accordance with the State Drinking Driver Program Interagency Agreement]; and

29 (2) may recommend:

30 (i) that the Commission modify any condition of parole or
31 mandatory supervision; and

32 (ii) that the Commission issue a warrant for the retaking of an
33 offender.

1 (b) Funding for the Drinking Driver Monitor Program shall be as provided in
2 the State budget [from general funds].

3 6-115.

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

6 (2) "PROGRAM FEE" MEANS ~~THE ANY FEE THE ANY~~ THE DIVISION
7 ASSESSES ON A SUPERVISEE THE DIVISION PLACES IN THE DRINKING DRIVER
8 MONITOR PROGRAM.

9 (3) "SUPERVISEE" MEANS A PERSON THAT THE COURT PLACES UNDER
10 THE SUPERVISION OF THE DIVISION.

11 (4) "SUPERVISION FEE" MEANS THE FEE THE COURT ORDERS UNDER §
12 6-226 OF THE CRIMINAL PROCEDURE ARTICLE.

13 (B) ALL SUPERVISEES PLACED IN THE DRINKING DRIVER MONITOR PROGRAM
14 BY THE DIVISION SHALL BE:

15 (1) SUBJECT TO A MONTHLY SUPERVISION FEE IN ACCORDANCE WITH §
16 6-226 OF THE CRIMINAL PROCEDURE ARTICLE; AND

17 (2) ~~FOR FISCAL YEAR 2006~~ FISCAL YEARS 2006 THROUGH 2010 ONLY,
18 ASSESSED A MONTHLY PROGRAM FEE OF \$45 BY THE DIVISION.

19 (C) (1) THE PROGRAM FEE IMPOSED UNDER THIS SECTION SHALL BE PAID
20 TO THE DIVISION BY ALL SUPERVISEES IN THE DRINKING DRIVER MONITOR
21 PROGRAM ~~ON OR AFTER~~ FROM JULY 1, 2005 THROUGH JUNE 30, 2006 2010.

22 (2) THE DIVISION SHALL PAY THE PROGRAM FEES COLLECTED UNDER
23 THIS SECTION INTO THE DRINKING DRIVER MONITOR PROGRAM FUND.

24 (D) NOTWITHSTANDING SUBSECTIONS (B) AND (C) OF THIS SECTION, THE
25 DIVISION MAY EXEMPT A SUPERVISEE AS A WHOLE OR IN PART FROM THE PROGRAM
26 FEE IMPOSED UNDER THIS SECTION IF:

27 (1) THE SUPERVISEE HAS DILIGENTLY TRIED BUT HAS BEEN UNABLE
28 TO OBTAIN EMPLOYMENT THAT PROVIDES SUFFICIENT INCOME FOR THE
29 SUPERVISEE TO PAY THE FEE;

30 (2) (I) THE SUPERVISEE IS A STUDENT IN A SCHOOL, COLLEGE, OR
31 UNIVERSITY OR IS ENROLLED IN A COURSE OF VOCATIONAL OR TECHNICAL
32 TRAINING DESIGNED TO PREPARE THE STUDENT FOR GAINFUL EMPLOYMENT; AND

33 (II) CERTIFICATION OF STUDENT STATUS IS SUPPLIED TO THE
34 DIVISION BY THE INSTITUTION IN WHICH THE SUPERVISEE IS ENROLLED;

1 (3) THE SUPERVISEE HAS A HANDICAP LIMITING EMPLOYMENT, AS
2 DETERMINED BY A PHYSICAL OR PSYCHOLOGICAL EXAMINATION ACCEPTED BY THE
3 DIVISION;

4 (4) THE SUPERVISEE IS RESPONSIBLE FOR THE SUPPORT OF
5 DEPENDENTS AND THE PAYMENT OF THE FEE IS AN UNDUE HARDSHIP ON THE
6 SUPERVISEE; OR

7 (5) OTHER EXTENUATING CIRCUMSTANCES EXIST.

8 6-116.

9 (A) THERE IS A DRINKING DRIVER MONITOR PROGRAM FUND.

10 (B) THE FUND SHALL BE USED FOR ALL COSTS OF THE DRINKING DRIVER
11 MONITOR PROGRAM.

12 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
13 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE
15 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

16 (D) THE FUND CONSISTS OF:

17 (1) THE PROGRAM FEES PAID BY SUPERVISEES IN THE DRINKING
18 DRIVER MONITOR PROGRAM; AND

19 (2) INVESTMENT EARNINGS OF THE FUND.

20 (E) THE MONEY OF THE FUND SHALL BE INVESTED IN THE SAME MANNER AS
21 OTHER STATE MONEY.

22 (F) EXPENDITURES FROM THE FUND MAY BE MADE ONLY:

23 (1) IN ACCORDANCE WITH THE STATE BUDGET; OR

24 (2) BY THE BUDGET AMENDMENT PROCEDURE AS PROVIDED IN § 7-209
25 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (G) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS
27 UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

28 **Article - Courts and Judicial Proceedings**

29 1-703.

30 (a) Title 8, Subtitle 1 of the State Personnel and Pensions Article applies to
31 judicial salaries, except for the provisions of § 8-108(c) of the State Personnel and
32 Pensions Article.

1 (b) (1) [Whenever] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
2 SUBSECTION, WHENEVER a general salary increase is awarded to State employees,
3 each judge shall receive the same percentage increase in salary as awarded to the
4 lowest step of the highest salary grade for employees in the Standard Pay Plan.

5 (2) IN ANY YEAR THAT A JUDGE'S SALARY IS INCREASED IN
6 ACCORDANCE WITH A RESOLUTION UNDER § 1-708 OF THIS SUBTITLE, THE JUDGE
7 MAY NOT RECEIVE A SALARY INCREASE UNDER PARAGRAPH (1) OF THIS
8 SUBSECTION.

9 1-708.

10 (c) Beginning in [1982] 2004 and every [2] 4 years thereafter, the
11 Commission shall review the salaries and pensions of the judges of the courts listed in
12 subsection (a) of this section. ~~After BEGINNING IN [1980] 2008,~~ the Commission shall
13 make written recommendations to the Governor and General Assembly [at least]
14 every 4 years, accounting from September 1, [1980] ~~2008~~ 2004. The Governor shall
15 include in the budget for the next fiscal year funding necessary to implement those
16 recommendations, contingent on action by the General Assembly under subsections
17 (d) and (e) of this section.

18 ~~7-301.~~

19 (a) ~~The court costs in a traffic case, including parking and impounding cases~~
20 ~~and cases under § 21-202.1 of the Transportation Article in which costs are imposed,~~
21 ~~are [\$20] \$25. Such costs shall also be applicable to those cases in which the~~
22 ~~defendant elects to waive his right to trial and pay the fine or penalty deposit~~
23 ~~established by the Chief Judge of the District Court by administrative regulation. In~~
24 ~~an uncontested case under § 21-202.1 of the Transportation Article or uncontested~~
25 ~~parking or impounding case in which the fines are paid directly to a political~~
26 ~~subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained~~
27 ~~by the political subdivision or municipality. In an uncontested case in which the fine~~
28 ~~is paid directly to an agency of State government authorized by law to regulate~~
29 ~~parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to~~
30 ~~the agency, which shall receive and account for these funds as in all other cases~~
31 ~~involving sums due the State through a State agency.~~

32 (b) (1) ~~The court costs in a criminal case in which costs are imposed are~~
33 ~~[\$20] \$25.~~

34 (2) ~~The costs shall be in addition to any costs imposed in a criminal case~~
35 ~~under the Criminal Injuries Compensation Act.~~

36 (e) ~~The Comptroller shall establish a Law Enforcement and Correctional~~
37 ~~Training Fund, as provided in Title 8, Subtitle 3 of the Correctional Services Article,~~
38 ~~and the Comptroller shall pay into the Fund [one fourth] TWO-FIFTHS of all court~~
39 ~~costs collected by the District Court under subsections (a) and (b)(1) of this section.~~

1 7-301.

2 (a) The court costs in a traffic case, including parking and impounding cases
3 and cases under § 21-202.1 of the Transportation Article in which costs are imposed,
4 are [§20] \$22.50. Such costs shall also be applicable to those cases in which the
5 defendant elects to waive his right to trial and pay the fine or penalty deposit
6 established by the Chief Judge of the District Court by administrative regulation. In
7 an uncontested case under § 21-202.1 of the Transportation Article or uncontested
8 parking or impounding case in which the fines are paid directly to a political
9 subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained
10 by the political subdivision or municipality. In an uncontested case in which the fine
11 is paid directly to an agency of State government authorized by law to regulate
12 parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to
13 the agency, which shall receive and account for these funds as in all other cases
14 involving sums due the State through a State agency.

15 (b) (1) The court costs in a criminal case in which costs are imposed are
16 [§20] \$22.50.

17 (2) The costs shall be in addition to any costs imposed in a criminal case
18 under the Criminal Injuries Compensation Act.

19 (c) (1) The filing fees and costs in a civil case are those prescribed by law
20 subject to modification by law, rule, or administrative regulation.

21 (2) The Chief Judge of the District Court shall assess a surcharge that:

22 (i) May not be more than:

23 1. \$5 per summary ejection case; and

24 2. \$10 per case for all other civil cases; and

25 (ii) Shall be deposited into the Maryland Legal Services
26 Corporation Fund established under § 7-408 of this title.

27 (3) The Court of Appeals may provide by rule for waiver of prepayment of
28 filing fees and other costs in cases of indigency.

29 (d) When a person pays court costs or a fine with a check in any motor vehicle,
30 criminal, or civil case in the District Court, and the check is returned to the court by
31 the financial institution on which it is drawn because of insufficient funds in the
32 account, or because the account has been closed or never existed, then the court may
33 impose additional costs of \$10 against the party issuing the check. These costs shall
34 be in addition to any other penalty now prescribed by law.

35 [(e) The Comptroller shall establish a Law Enforcement and Correctional
36 Training Fund, as provided in Title 8, Subtitle 3 of the Correctional Services Article,
37 and the Comptroller shall pay into the Fund one-fourth of all court costs collected by
38 the District Court under subsections (a) and (b)(1) of this section.]

1 [(f)] (e) The Comptroller shall annually pay from the court costs collected by
 2 the District Court under subsections (a) and (b)(1) of this section:

3 (1) \$500,000 into the Criminal Injuries Compensation Fund established
 4 under § 11-819 of the Criminal Procedure Article; and

5 (2) \$125,000 into the Victim and Witness Protection and Relocation Fund
 6 established under § 11-905 of the Criminal Procedure Article.

7 13-603.

8 (c) The Fund shall be used TO PAY THE OPERATING EXPENSES OF THE LAND
 9 RECORDS OFFICES OF THE CLERKS OF THE CIRCUIT COURTS AND to repair, replace,
 10 improve, modernize, and update office equipment and equipment related services in
 11 the land records office of the clerk of the circuit court for each county, as the
 12 Administrator considers appropriate, with advice from the oversight committee.

13 **Article - Criminal Procedure**

14 6-226.

15 (a) In this section, "supervisee" means a person that the court places under
 16 the supervision of the Division of Parole and Probation.

17 (b) (1) Unless the supervisee is exempt under subsection (d) of this section,
 18 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, the court shall
 19 impose a monthly fee of ~~[\$25]~~ \$40 on a supervisee.

20 (2) FOR FISCAL YEAR 2006 FISCAL YEARS 2006 THROUGH 2010 ONLY, THE
 21 MONTHLY FEE IMPOSED UNDER THIS SUBSECTION SHALL BE \$40.

22 (g) (1) In addition to fees imposed under this section, the Division of Parole
 23 and Probation may require a supervisee to pay:

24 (I) for drug or alcohol abuse testing if the court orders testing; AND

25 (II) ~~THE ANY~~ MONTHLY PROGRAM FEE PROVIDED UNDER § 6-115 OF
 26 THE CORRECTIONAL SERVICES ARTICLE.

27 (2) Failure to make a payment required for drug or alcohol abuse testing
 28 may be considered grounds for revocation of probation by the court.

29 (3) The Division of Parole and Probation may exempt a supervisee as a
 30 whole or in part from a payment for testing if the Division determines that any of the
 31 criteria in subsection (d) of this section apply.

Article - Education

1
2 5-206.

3 (g) (1) In [each of fiscal years 2006 and] FISCAL YEAR 2007, the State shall
4 distribute a grant to each county board that is equal to the amount received by the
5 county board in fiscal year 2002 for the extended elementary education program.

6 (2) In EACH OF fiscal [year] YEARS 2005 AND 2006, the State shall
7 distribute a grant to each county board that is equal to 87.5% of the amount received
8 by the county board in fiscal year 2002 for the extended elementary education
9 program.

10 5-301.

11 (j) (4) On or before MARCH 30, June [1] 30, SEPTEMBER 30, and December
12 [1] 31 of each year, the Interagency Committee shall report to the General Assembly,
13 in accordance with § 2-1246 of the State Government Article, AND THE DEPARTMENT
14 OF LEGISLATIVE SERVICES on the balance in the fund AS OF THE REPORTING DATE
15 as the result of transfers or reversions required under this subsection AND ANY
16 EXPENDITURES.

17 8-415.

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

23 (2) As provided in paragraphs (3) and (4) of this subsection, the State
24 and the counties shall share collectively in the cost of educating children with
25 disabilities in nonpublic programs under § 8-406 of this subtitle ~~or in a regional~~
26 ~~institute for children and adolescents operated by the Mental Hygiene Administration~~
27 ~~under § 10-406 of the Health—General Article.~~

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

31 1. The local share of the basic cost;

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

34 3. A. For fiscal year 2005 AND FISCAL YEAR 2006 only, an
35 additional amount equal to 25 percent of the approved cost or reimbursement in
36 excess of the sum of items 1 and 2 of this subparagraph; and

1 B. For fiscal year [2006] 2007 and each subsequent fiscal
 2 year, an additional amount equal to 20 percent of the approved cost or reimbursement
 3 in excess of the sum of items 1 and 2 of this subparagraph.

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

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

10 ~~17-104.~~

11 (d) For purposes of this section AND §§ 16-305 AND 16-512 OF THIS ARTICLE,
 12 the State's General Fund appropriation per full-time equivalent student to the
 13 4-year public institutions of higher education in the State for the previous fiscal year
 14 shall reflect:

15 (1) [any] ANY amendments or reductions to the appropriation for the
 16 previous fiscal year; AND

17 (2) BEGINNING IN FISCAL YEAR 2007, THE FULL-TIME EQUIVALENT
 18 ENROLLMENT PROJECTION FOR THE PREVIOUS FISCAL YEAR PUBLISHED BY THE
 19 MARYLAND HIGHER EDUCATION COMMISSION IN JUNE OF EACH YEAR.

20 **Article - Estates and Trusts**

21 8-103.

22 (f) A claim filed by the Department of Health and Mental Hygiene against the
 23 estate of a deceased Maryland Medical Assistance Program recipient, as authorized
 24 under § 15-121(a) of the Health - General Article, is forever barred against the
 25 estate, the personal representative, and the heirs and legatees, unless the claim is
 26 presented within the earlier of the following dates:

27 (1) 6 months after PUBLICATION OF NOTICE OF the first appointment of
 28 a personal representative; or

29 (2) 2 months after the personal representative mails or otherwise
 30 delivers to the Department's Division of Medical Assistance Recoveries a copy of a
 31 notice in the form required under § 7-103 of this article or other written notice,
 32 notifying the Department that the claim shall be barred unless the Department
 33 presents its claim within 2 months from the receipt of the notice.

Article - Health - General

1 10-406.

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

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

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

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

13 13-1004.

14 (a) Beginning in fiscal year [2006] 2007 and in every second year thereafter,
15 the Department shall conduct a Tobacco Study which shall measure the same factors
16 that are set forth in § 13-1003(c) of this subtitle and use the same methodology or
17 model that was used for the Baseline Tobacco Study.

18 (b) To carry out the evaluation and surveillance functions of this subtitle, the
19 Department may conduct any other tobacco study measuring the factors set forth in §
20 13-1003(c) of this subtitle and using a methodology or model that is consistent with
21 but need not be identical to that used to conduct the Baseline Tobacco Study.

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

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

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

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

31 (d) On or before September 1 of each [odd-numbered] EVEN-NUMBERED
32 fiscal year, beginning in fiscal year [2007] 2008, the Department shall submit a
33 report to the Governor and, subject to § 2-1246 of the State Government Article, the
34 General Assembly on the results of the Biennial Tobacco Study.
35

1 13-1014.

2 (d) Unless otherwise specified in the annual budget bill as enacted, the
3 amount of funds that are allocated to the Administrative Component in the State
4 budget may not exceed [five percent] 7% of the total amount that is allocated to the
5 Program in the State budget.

6 13-1015.

7 (a) For fiscal year [2006] 2007 and each fiscal year thereafter, the Governor
8 shall include at least \$21,000,000 in the annual budget in appropriations for activities
9 aimed at reducing tobacco use in Maryland as recommended by the Centers for
10 Disease Control and Prevention, including:

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

13 (2) Media campaigns educating the public about the dangers of
14 secondhand smoke exposure;

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

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

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

19 (b) For fiscal year [2005] 2006, the Governor shall include at least
20 [\$12,000,000] \$10,000,000 in the annual budget in appropriations for the purposes
21 described in subsection (a) of this section.

22 13-1108.

23 (c) (3) [If] FOR FISCAL YEAR 2007 OR ANY SUBSEQUENT FISCAL YEAR, IF
24 the amount of money that would have been distributed to Baltimore City using the
25 formula established under subsection (b) of this section if Baltimore City were
26 included in the formula exceeds [\$4,000,000] 19%, the Department shall transfer the
27 difference between that amount and [\$4,000,000] 19% from the Local Public Health
28 Component to the Statewide Academic Health Center Component.

29 13-1115.

30 (a) (2) [The] FOR FISCAL YEAR 2007 AND ANY SUBSEQUENT FISCAL YEAR,
31 THE amount of each Statewide Academic Health Center Public Health Grant that is
32 distributed to the University of Maryland Medical Group or the Johns Hopkins
33 Institutions, respectively, shall be equal to the sum of:

34 (i) [\$2,000,000] AT LEAST 9.5% OF THE TOTAL LOCAL PUBLIC
35 HEALTH COMPONENT MONEYS DISTRIBUTED UNDER § 13-1108(B) OF THIS SUBTITLE;
36 and

1 (ii) One-half of any money that is transferred from the Local Public
2 Health Component to the Statewide Academic Health Center Component under §
3 13-1108(c) of this subtitle.

4 13-1116.

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

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

15 13-1117.

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

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

25 ~~[(2)]~~ (3) This section may not be implemented until funds are specifically
26 allocated in the State budget for this purpose.

27 13-1118.

28 (a) (1) FOR FISCAL YEAR 2007 AND EACH SUBSEQUENT FISCAL YEAR, THE
29 GOVERNOR SHALL INCLUDE AT LEAST \$3,000,000 IN THE ANNUAL BUDGET IN
30 APPROPRIATIONS FOR THE STATEWIDE ACADEMIC HEALTH CENTER NETWORK
31 GRANT UNDER THIS SECTION.

32 (2) The Department may distribute a Statewide Academic Health Center
33 Network Grant to the University of Maryland Medical Group for the purpose of
34 establishing a statewide network that will support a wide range of prevention,
35 education, screening, treatment, and research programs relating to targeted cancers
36 and tobacco-related diseases that can be accessed by individuals throughout the State,
37 including:

38 ~~[(1)]~~ (1) Support services aimed at increasing participation of diverse
39 populations in clinical trials;

1 ~~[(2)] (II) Development of best practices models to address targeted cancers~~
2 ~~and tobacco-related diseases; and~~

3 ~~[(3)] (III) Coordination among local hospitals, community clinics,~~
4 ~~physicians, and other health care providers in different geographic areas of the State.~~

5 ~~13-1119.~~

6 (d) ~~Unless otherwise specified in the annual budget bill as enacted, the~~
7 ~~amount of funds that are allocated to the Administrative Component in the State~~
8 ~~budget may not exceed [five percent] 7% of the total amount that is allocated to the~~
9 ~~Program in the State budget.~~

10 ~~15-121.~~

11 (a) (1) ~~In accordance with applicable federal law and rules and regulations,~~
12 ~~including those under Title XIX of the Social Security Act, the Department may make~~
13 ~~claim against the estate of:~~

14 ~~(I) [a] A deceased Program recipient for the amount of any medical~~
15 ~~assistance payments under this title; OR~~

16 ~~(II) THE SURVIVING SPOUSE OF A DECEASED PROGRAM RECIPIENT~~
17 ~~FOR THE AMOUNT OF MEDICAL ASSISTANCE PAYMENTS MADE ON BEHALF OF THE~~
18 ~~DECEASED PROGRAM RECIPIENT UNDER THIS TITLE, UNLESS THE SURVIVING~~
19 ~~SPOUSE AT THE TIME OF THE SURVIVING SPOUSE'S DEATH IS SURVIVED BY A CHILD~~
20 ~~WHO IS:~~

21 ~~1. LESS THAN 21 YEARS OF AGE;~~

22 ~~2. BLIND; OR~~

23 ~~3. PERMANENTLY AND TOTALLY DISABLED.~~

24 ~~(2) THE ASSETS OF THE ESTATE OF THE SURVIVING SPOUSE SUBJECT~~
25 ~~TO THE DEPARTMENT'S CLAIM UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION~~
26 ~~SHALL BE RESTRICTED TO THOSE ASSETS THAT PASSED TO THE SURVIVING SPOUSE~~
27 ~~FROM THE DECEASED PROGRAM RECIPIENT UPON THE DEATH OF THE DECEASED~~
28 ~~PROGRAM RECIPIENT BY:~~

29 ~~(I) TESTAMENTARY DISPOSITION;~~

30 ~~(II) DISTRIBUTION UNDER THE LAWS OF INTESTATE SUCCESSION;~~

31 ~~(III) RIGHT OF SURVIVORSHIP FROM PROPERTY HELD IN TENANCY~~
32 ~~BY THE ENTIRETY OR IN JOINT TENANCY; OR~~

33 ~~(IV) A REMAINDER INTEREST FROM A LIFE TENANCY.~~

1 (3) ~~THE DEPARTMENT'S CLAIM AGAINST THE ESTATE OF A SURVIVING~~
 2 ~~SPOUSE MAY NOT BE FILED AGAINST THE ESTATE UNLESS THE SURVIVING SPOUSE~~
 3 ~~DIED WITHIN 5 YEARS AFTER THE DATE OF DEATH OF THE PROGRAM RECIPIENT.~~

4 (4) ~~THE DEPARTMENT'S CLAIM AGAINST THE ESTATE OF A SURVIVING~~
 5 ~~SPOUSE MAY NOT BE FILED AGAINST THE ESTATE UNLESS THE PROGRAM RECIPIENT~~
 6 ~~APPLIED FOR MEDICAID ON OR AFTER JULY 1, 2005.~~

7 (b) ~~The claim shall be waived by the Department if, in its judgment,~~
 8 ~~enforcement of the claim will cause substantial hardship to the surviving dependents~~
 9 ~~of the deceased.~~

10 15-124.

11 (b) (2) ~~The reimbursement shall be up to the amount paid for the same~~
 12 ~~items or services under the pharmacy program of the Maryland Medical Assistance~~
 13 ~~Program and shall be subject to a copayment of not more than:~~

14 (i) ~~\$2.50 for a generic drug or a brand name drug on a preferred~~
 15 ~~drug list established by the Department; and~~

16 (ii) ~~[\$7.50] \$8.50 for a brand name drug not on a preferred drug list~~
 17 ~~established by the Department.~~

18 19-110.

19 (b) The power of the Secretary to transfer, by rule, regulation, or written
 20 directive, any staff, functions, or funds of units in the Department does not apply to
 21 any staff, function, or funds of the Commission. ~~{For fiscal year 2005 EACH OF~~
 22 ~~FISCAL YEARS 2005 AND 2006, the}~~ ~~THE~~ Secretary may assess an administrative
 23 charge, consistent with the indirect cost charge assessed to federal grants, to fund
 24 services provided to the Commission by the Executive Branch.

25 19-111.

26 (c) (1) ~~{(i) For fiscal year 2005 EACH OF FISCAL YEARS 2005 AND 2006, the}~~
 27 ~~THE~~ total fees assessed by the Commission ~~IN ANY FISCAL YEAR~~ may not exceed
 28 \$11,200,000.

29 (ii) ~~For fiscal year 2006 2007 and each fiscal year thereafter, the~~
 30 ~~total fees assessed by the Commission may not exceed \$10,000,000.}~~

31 (2) The fees assessed by the Commission shall be used exclusively to
 32 cover the actual documented direct costs of fulfilling the statutory and regulatory
 33 duties of the Commission in accordance with the provisions of this subtitle. ~~{For fiscal~~
 34 ~~year 2005 EACH OF FISCAL YEARS 2005 AND 2006, the}~~ ~~THE~~ costs of the Commission
 35 include the administrative costs incurred by the Department on behalf of the
 36 Commission. The amount to be paid by the Commission to the Department for
 37 administrative costs will be calculated in the same manner as indirect costs for
 38 federal grants, less overhead costs paid directly by the Commission.

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

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

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

7 19-208.

8 (b) The power of the Secretary to transfer by rule, regulation, or written
9 directive, any staff, functions, or funds of units in the Department does not apply to
10 any staff, function, or funds of the Commission. ~~{For fiscal year 2005 EACH OF~~
11 FISCAL YEARS 2005 AND 2006, the ~~THE~~ Secretary may assess an administrative
12 charge, consistent with the indirect cost charge assessed to federal grants, to fund
13 services provided to the Commission by the Executive Branch.

14 19-213.

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

16 (2) "Facilities" means hospitals and related institutions whose rates
17 have been approved by the Commission.

18 (b) The Commission shall assess and collect user fees on facilities as defined
19 in this section.

20 (c) (1) ~~{(i) For fiscal year 2005 EACH OF FISCAL YEARS 2005 AND 2006, the}~~
21 ~~THE~~ total user fees assessed by the Commission ~~IN ANY FISCAL YEAR~~ may not exceed
22 \$4,500,000.

23 ~~{(ii) For fiscal year 2006 2007 and each fiscal year thereafter, the~~
24 ~~total fees assessed by the Commission may not exceed \$4,000,000.}~~

25 (d) (8) The Fund shall be used only to provide funding for the Commission
26 and for the purposes authorized under this subtitle. ~~{For fiscal year 2005 EACH OF~~
27 FISCAL YEARS 2005 AND 2006, the ~~THE~~ costs of the Commission include the
28 administrative costs incurred by the Department on behalf of the Commission. The
29 amount to be paid by the Commission to the Department for administrative costs will
30 be calculated in the same manner as indirect costs for federal grants, less overhead
31 costs paid directly by the Commission.

32 19-727.

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

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

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

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

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

14 Article - Insurance

15 6-101.

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

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

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

21 (3) a FOR-PROFIT health maintenance organization authorized by Title
 22 19, Subtitle 7 of the Health - General Article;

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

24 (5) the Maryland Automobile Insurance Fund; and

25 (6) a credit indemnity company.

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

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

29 (2) a fraternal benefit society;

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

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

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

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

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

8 6-102.

9 (b) Premiums to be taxed include:

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

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

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

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

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

23 6-103.

24 The tax rate is:

25 (1) 0% for premiums for annuities; and

26 (2) 2% for all other premiums, including:

27 (i) gross receipts received as a result of capitation payments made to
28 a managed care organization, supplemental payments, and bonus payments; and

29 (ii) subscription charges or other amounts paid to a FOR-PROFIT
30 health maintenance organization.

31 6-121.

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

1 (2) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" MEANS A
2 HEALTH MAINTENANCE ORGANIZATION AUTHORIZED BY TITLE 19, SUBTITLE 7 OF
3 THE HEALTH - GENERAL ARTICLE THAT IS EXEMPT FROM TAXATION UNDER §
4 501(C)(3) OF THE INTERNAL REVENUE CODE.

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

10 (B) (1) A NONPROFIT HEALTH MAINTENANCE ORGANIZATION SHALL
11 TRANSFER FUNDS IN AN AMOUNT EQUAL TO THE PREMIUM TAX EXEMPTION VALUE
12 OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION TO THE MEDICAL
13 ASSISTANCE PROGRAM ACCOUNT ESTABLISHED UNDER TITLE 19, SUBTITLE 8 OF
14 THIS ARTICLE TO BE USED TO SUPPORT THE PROVISION OF HEALTH CARE TO
15 ELIGIBLE INDIVIDUALS.

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

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

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

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

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

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

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

Article - Labor and Employment

1
2 2-107.

3 (a) In addition to any other units, the Division shall include the units
4 enumerated in this section.

5 (B) (1) THERE IS AN EMPLOYMENT STANDARDS SERVICE UNIT IN THE
6 DIVISION.

7 (2) UNDER THE DIRECTION OF THE COMMISSIONER, THE EMPLOYMENT
8 STANDARDS SERVICE UNIT SHALL:

9 (I) ENFORCE TITLE 3, SUBTITLE 2 OF THIS ARTICLE;

10 (II) CARRY OUT TITLE 3, SUBTITLE 3 OF THIS ARTICLE;

11 (III) ENFORCE TITLE 3, SUBTITLE 4 OF THIS ARTICLE; AND

12 (IV) ENFORCE TITLE 3, SUBTITLE 5 OF THIS ARTICLE.

13 [(b)] (C) There is a State Mediation and Conciliation Service in the Division.

14 [(c)] (D) (1) There is a research and information unit in the Division.

15 (2) Under the direction of the Commissioner, the research and
16 information unit shall collect, organize, and report statistical information on matters
17 within the jurisdiction of the Division.

18 [(d)] (E) There is a Safety Engineering and Education Service in the Division.

19 (F) (1) THERE IS A PREVAILING WAGE UNIT IN THE DIVISION.

20 (2) UNDER THE DIRECTION OF THE COMMISSIONER, THE PREVAILING
21 WAGE UNIT SHALL ADMINISTER AND ENFORCE TITLE 17, SUBTITLE 2 OF THE STATE
22 FINANCE AND PROCUREMENT ARTICLE.

23 (G) FOR FISCAL YEAR 2007 AND FOR EACH SUBSEQUENT FISCAL YEAR, THE
24 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE
25 GENERAL ASSEMBLY AN APPROPRIATION FOR THE DIVISION OF LABOR AND
26 INDUSTRY SUFFICIENT TO IMPLEMENT THE PROVISIONS OF THIS SECTION,
27 INCLUDING AMOUNTS NOT LESS THAN:

28 (1) \$315,000 FOR IMPLEMENTATION OF THE EMPLOYMENT STANDARDS
29 SERVICE UNIT IN THE DIVISION; AND

30 (2) \$385,000 FOR IMPLEMENTATION OF THE PREVAILING WAGE UNIT IN
31 THE DIVISION.

1 11-403.

2 (a) (1) There is an Apprenticeship and Training Council as part of the
3 [Department] DIVISION OF LABOR AND INDUSTRY. The Council consists of 12
4 members all of whom shall be appointed by the Governor of Maryland, with the
5 advice of the Secretary and with the advice and consent of the Senate of Maryland.

6 **Article - Natural Resources**

7 1-104.

8 (a) The Secretary is responsible for the development of coordinated policies for
9 the preservation, conservation, enhancement, wise use, and perpetuation of the
10 natural resources of the State. He is responsible for the efficient coordination of all
11 the natural resources activities of the State including the settlement of conflicts that
12 may arise among units within the Department of Natural Resources. In the discharge
13 of his responsibility the Secretary shall:

14 (6) Establish and maintain, for the use of the Department, a natural
15 resources library, cataloged according to a recognized library system and containing
16 legal, scientific, and administrative reports, books, documents, photographs, records,
17 and other information on the natural resources and natural resources administration;
18 and

19 (L) FOR FISCAL YEAR 2007, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL
20 BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY AN APPROPRIATION IN AN
21 AMOUNT EQUAL TO AT LEAST \$88,000 FOR THE DEPARTMENT TO MAINTAIN A
22 NATURAL RESOURCES LIBRARY AS REQUIRED UNDER SUBSECTION (A)(6) OF THIS
23 SECTION.

24 **Article - State Finance and Procurement**

25 3-410.2.

26 (n) (1) On or before November 1 of each year, the Chief shall report to the
27 Governor and to the budget committees of the General Assembly and submit a copy of
28 the report to the General Assembly in accordance with § 2-1246 of the State
29 Government Article.

30 (2) The report shall include:

31 (i) the financial status of the Fund and a summary of its
32 operations for the preceding fiscal year;

33 (ii) an accounting for the preceding fiscal year of all moneys from
34 each of the revenue sources specified in subsection (e) of this section, including any
35 expenditures made from the Fund; and

36 (iii) [a description of projects] FOR EACH PROJECT receiving
37 moneys from the Fund in the preceding fiscal year [and the status of each project

1 with] AND FOR EACH MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT
 2 RECEIVING FUNDING FROM ANY SOURCE OTHER THAN THE FUND IN THE
 3 PRECEDING FISCAL YEAR:

4 1. THE STATUS OF THE PROJECT;

5 2. a comparison of estimated and actual costs [and] OF THE
 6 PROJECT:

7 3. any known or anticipated changes in scope or costs OF THE
 8 PROJECT:

9 4. AN EVALUATION BY THE STATE CHIEF INFORMATION
 10 OFFICER OF WHETHER THE PROJECT IS USING BEST PRACTICES; AND

11 5. A SUMMARY OF ANY MONITORING AND OVERSIGHT OF
 12 THE PROJECT FROM OUTSIDE THE AGENCY IN WHICH THE PROJECT IS BEING
 13 DEVELOPED, INCLUDING A DESCRIPTION OF ANY PROBLEMS IDENTIFIED BY ANY
 14 EXTERNAL REVIEW AND ANY CORRECTIVE ACTIONS TAKEN.

15 7-310.

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

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

18 (2) transfer the funds by budget amendment from the Account to the
 19 expenditure account of the appropriate unit of State government [no earlier than 45
 20 days] ONLY after the proposed budget amendment has been:

21 (i) submitted to the Senate Budget and Taxation Committee and
 22 the House Appropriations Committee of the General Assembly; and

23 (ii) [submitted to] APPROVED BY the Legislative Policy Committee
 24 [for review and comment].

25 (f) (2) If the Governor determines that certain funds in the Account are no
 26 longer needed for the purpose for which they were originally appropriated, those
 27 funds may be transferred by budget amendment to the Revenue Stabilization Account
 28 [no earlier than 45 days] after the proposed budget amendment has been:

29 (i) submitted to the Senate Budget and Taxation Committee and
 30 the House Appropriations Committee of the General Assembly; and

31 (ii) [submitted to] APPROVED BY the Legislative Policy Committee
 32 [for review and comment].

33 7-314.

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

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

3 (d) [No earlier than 45 days after submission of a proposed budget
4 amendment to] AFTER NOTICE TO AND APPROVAL BY the Legislative Policy
5 Committee [for review and comment], the Governor may transfer funds by budget
6 amendment from the Economic Development Opportunities Program Account to the
7 expenditure account of the appropriate executive agency.

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

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

19 (2) The Department of Business and Economic Development may modify
20 these guidelines as needed, [no earlier than 45 days after submission to] UPON
21 APPROVAL OF the Legislative Policy Committee [for review and comment].

22 (3) An executive agency may depart from these guidelines as needed,
23 [no earlier than 45 days after submission of a description of the exception to the
24 guidelines to] UPON APPROVAL OF the Legislative Policy Committee [for review and
25 comment].

26 (o) In the case of an economic development opportunity located outside a
27 priority funding area as established under Title 5, Subtitle 7B of this article, the
28 Department shall first comply with the provisions of that subtitle before [submitting
29 a proposal to] MAKING A REQUEST FOR APPROVAL BY the Legislative Policy
30 Committee [for review and comment] under this section.

31 (p) An executive agency may approve changes to a transaction [reviewed and
32 commented on] APPROVED by the Legislative Policy Committee as long as the
33 changes do not materially and adversely affect the overall position of the executive
34 agency in the transaction or the economic development benefits to be derived by the
35 State in the transaction.

36 7-317.

37 (a) There is a Cigarette Restitution Fund.

38 (g) (1) Amounts may only be expended from the Fund through
39 appropriations in the State budget bill as provided in this subsection.

1 (2) The Governor shall include in the annual budget bill appropriations
 2 from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated
 3 to be available to the Fund in the fiscal year for which the appropriations are made.

4 (3) For each fiscal year for which appropriations are made, at least 50%
 5 of the appropriations shall be made for those purposes enumerated in subsection
 6 (f)(1)(i), (ii), and (iii)1 through 9 of this section subject to the requirement of
 7 subsection (e)(2) of this section.

8 (4) For each [of fiscal years 2003 through 2006] FISCAL YEAR FOR
 9 WHICH APPROPRIATIONS ARE MADE, at least [25%] 30% of the appropriations shall
 10 be made for the purposes of the Maryland Medical Assistance Program.

11 (5) For each fiscal year for which appropriations are made, 0.15% of the
 12 Fund shall be appropriated for the purposes of enforcement of Title 16, Subtitle 5 of
 13 the Business Regulation Article.

14 (6) Any additional appropriations, not subject to paragraph (3),
 15 paragraph (4), or paragraph (5) of this subsection, may be made for any lawful
 16 purpose.

17 7-324.

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

19 (d) [No earlier than 45 days after the submission of a proposed budget
 20 amendment to] AFTER NOTICE TO AND APPROVAL BY the Legislative Policy
 21 Committee [for review and comment], the Governor may transfer funds by budget
 22 amendment from the Account to the expenditure accounts of the appropriate unit of
 23 State government.

24 8-131.

25 (g) (1) *The Treasurer shall invest and apply proceeds of a sale of bonds*
 26 *issued under this section to ensure that the principal and redemption premium of, and*
 27 *interest on, the bonds that are being refunded will be paid in full when due.*

28 (2) *The Treasurer may deposit any part of the proceeds of the sale of*
 29 *bonds issued under this section in a trust fund with a trust company or other banking*
 30 *institution, in the name of the State.*

31 (3) *The trustee may invest and reinvest money in the trust fund in:*

32 (i) *obligations of the United States;*

33 (ii) *obligations guaranteed by the United States;*

34 (iii) *certificates of deposit or time deposits secured by an obligation of*
 35 *the United States;*

1 (iv) certificates of deposit or time deposits secured by an obligation
 2 guaranteed by the United States; or

3 (v) any obligation or other investment described in § 6-222(a) of
 4 this article.

5 (4) Interest, income, and profits on the investment may be applied in any
 6 lawful manner, including to the payment of:

7 (i) the bonds that are being refunded; and

8 (ii) the bonds issued under this section.

9 (5) The trustee shall make money in the trust fund available, as the
 10 Board requires, for the payment of:

11 (i) the principal and redemption premium of, and interest on, the
 12 bonds that are being refunded;

13 (ii) the principal and redemption premium of, and interest on, the
 14 bonds issued under this section; or

15 (iii) any other related costs.

16 (6) THE COMPTROLLER SHALL ACCOUNT FOR THE PROCEEDS OF A SALE
 17 OF BONDS ISSUED UNDER THIS SECTION AS NONBUDGETED FUNDS.

18 8-132.

19 (c) Any premium from the sale of State bonds transferred to the Annuity Bond
 20 Fund under § 8-125 of this subtitle may be used to pay[:

21 (1)] debt service on State bonds[; and

22 (2) if approved by the Board, the costs of other capital projects].

23 **Article - State Personnel and Pensions**

24 2-516.

25 (A) IN THIS SECTION, "FUND" MEANS THE STATE EMPLOYEES AND RETIREES
 26 HEALTH AND WELFARE BENEFITS FUND ESTABLISHED UNDER THIS SECTION.

27 (B) (1) A SPECIAL RESERVE FUND IS ESTABLISHED TO RETAIN CERTAIN
 28 STATE REVENUES AND STATE GENERAL AND SPECIAL FUNDS FOR THE PURPOSE OF
 29 FUNDING THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS
 30 PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

31 (2) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
 32 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (3) THE FUND CONSISTS OF THE MONEYS DISTRIBUTED TO THE FUND
2 UNDER SUBSECTION (C) OF THIS SECTION.

3 (4) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
4 SHALL ACCOUNT FOR THE FUND.

5 (5) (I) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
6 MANNER AS OTHER STATE FUNDS.

7 (II) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE
8 FUND.

9 (C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR FISCAL
10 YEARS 2006 AND 2007 ONLY, THERE SHALL BE CREDITED TO THE FUND ANY SUBSIDY
11 RECEIVED BY THE STATE THAT IS PROVIDED TO EMPLOYERS AS A RESULT OF THE
12 FEDERAL MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION
13 ACT OF 2003, OR SIMILAR FEDERAL SUBSIDY RECEIVED AS A RESULT OF THE STATE'S
14 PRESCRIPTION DRUG PROGRAM.

15 (2) THE FUND ALSO CONSISTS OF MONEYS APPROPRIATED FOR STATE
16 EMPLOYEE AND RETIREE HEALTH INSURANCE OR AUTHORIZED TO BE
17 TRANSFERRED TO THAT PURPOSE IN THE STATE BUDGET.

18 (D) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE FUND
19 SHALL BE RETAINED IN RESERVE AND MAY NOT BE SPENT FOR ANY PURPOSE.

20 (2) SUBJECT TO THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR
21 IN § 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, MONEYS CREDITED
22 TO THE FUND MAY BE USED ONLY FOR THE PURPOSE OF FUNDING THE STATE COSTS
23 OF THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS
24 PROGRAM.

25 34-101.

26 (a) There is a Postretirement Health Benefits Trust Fund.

27 (b) The Postretirement Health Benefits Trust Fund shall be established as a
28 tax-exempt trust, in accordance with § 115 of the Internal Revenue Code or other
29 applicable federal statute.

30 (c) The purpose of the Postretirement Health Benefits Trust Fund is to assist
31 the State in financing the postretirement health insurance subsidy, as specified in §
32 2-508 of this article.

33 (d) Beginning in fiscal year [2006] 2008, any subsidy received by the State
34 that is provided to employers as a result of the federal Medicare Prescription Drug,
35 Improvement, and Modernization Act of 2003, or similar federal subsidy received as a
36 result of the State's prescription drug program, shall be deposited into the
37 Postretirement Health Benefits Trust Fund.

1 (e) (1) The Board of Trustees are the trustees of the Postretirement Health
2 Benefits Trust Fund.

3 (2) Notwithstanding any other provision of law:

4 (i) the Board of Trustees shall have full power to invest and
5 manage the assets of the Postretirement Health Benefits Trust Fund to achieve the
6 statutory purpose of the fund; and

7 (ii) each member of the Board of Trustees shall discharge the
8 member's duties with respect to the Postretirement Health Benefits Trust Fund as a
9 fiduciary and be indemnified in accordance with the provisions of Title 21, Subtitle 2
10 of this article.

11 (3) The Board of Trustees may incur reasonable investment expenses
12 payable from the assets of the Postretirement Health Benefits Trust Fund, and in
13 accordance with § 21-315(d) of this article, for:

14 (i) services of managers to invest the assets of the Postretirement
15 Health Benefits Trust Fund;

16 (ii) services of one or more duly qualified banks or trust companies
17 for the safe custody of the investments and banking services; and

18 (iii) any other service that the Board of Trustees deems reasonable
19 and necessary in connection with the investments of the Postretirement Health
20 Benefits Trust Fund.

21 (4) (i) The Board of Trustees may incur reasonable administrative
22 expenses payable from the assets of the Postretirement Health Benefits Trust Fund.

23 (ii) Administrative expenses paid under subparagraph (i) of this
24 paragraph may not exceed an amount equal to the amount of administrative expenses
25 paid by the Board of Trustees under § 21-315(c) of this article multiplied by a
26 fraction:

27 1. the numerator of which equals the total assets of the
28 Postretirement Health Benefits Trust Fund; and

29 2. the denominator of which equals the combined total assets
30 of the several systems and the Postretirement Health Benefits Trust Fund.

31 (5) The Board of Trustees is not subject to Division II of the State
32 Finance and Procurement Article for:

33 (i) obtaining services of managers to invest the assets of the
34 Postretirement Health Benefits Trust Fund; and

35 (ii) expenditures to manage, maintain, and enhance the value of
36 the assets of the Postretirement Health Benefits Trust Fund.

1 (f) To the extent possible, the assets of the Postretirement Health Benefits
 2 Trust Fund shall be invested in the same manner as those of the several systems.

3 (g) For fiscal year [2006] 2008 through fiscal year [2016] 2017, no payments
 4 may be made from the Postretirement Health Benefits Trust Fund.

5 (h) For fiscal year [2016] 2018 and each fiscal year thereafter, the Board of
 6 Trustees shall transfer to the General Fund, for the sole purpose of assisting in the
 7 payment of the State's postretirement health insurance subsidy, the lesser of:

8 (1) one-quarter of the prior year's investment gains of the
 9 Postretirement Health Benefits Trust Fund; or

10 (2) the amount necessary to pay the annual health insurance premiums
 11 and other costs that constitute the State's postretirement health insurance subsidy
 12 specified in § 2-508 of this article.

13 (i) If for any reason the State discontinues the postretirement health
 14 insurance subsidy specified in § 2-508 of this article or a successor subsidy, the assets
 15 of the Postretirement Health Benefits Trust Fund shall be transferred to the General
 16 Fund.

17 (j) On or before October 1, [2007] 2009, and on or before October 1 thereafter,
 18 the Board of Trustees shall publish an annual consolidated report that includes:

19 (1) the fiscal transactions of the Postretirement Health Benefits Trust
 20 Fund for the preceding fiscal year; and

21 (2) the amount of the accumulated cash, securities, and other assets of
 22 the Postretirement Health Benefits Trust Fund.

23 **Article - Tax - Property**

24 13-209.

25 (a) The revenue from transfer tax is payable to the Comptroller for deposit in
 26 a special fund.

27 (b) For the fiscal year beginning July 1, 2002 and for subsequent fiscal years,
 28 up to 3% of the revenues in the special fund may be appropriated in the State budget
 29 for salaries and related expenses in the Departments of General Services and Natural
 30 Resources and in the Department of Planning necessary to administer Title 5,
 31 Subtitle 9 of the Natural Resources Article (Program Open Space).

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

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

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

4 (iii) for the fiscal year beginning July 1, 2004, \$147,374,444 shall be
5 allocated to the General Fund of the State, and the remainder shall be allocated as
6 provided in the State budget; AND

7 ~~(IV) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005:~~

8 ~~1. \$141,492,930 SHALL BE DEDICATED TO THE ANNUITY BOND~~
9 ~~FUND OF THE STATE, TO BE USED ONLY FOR THE PURPOSE OF MEETING THE DEBT~~
10 ~~SERVICE REQUIREMENTS FOR FISCAL 2006 ON STATE BONDS; AND~~

11 ~~2. THE REMAINDER SHALL BE ALLOCATED AS PROVIDED IN~~
12 ~~THE STATE BUDGET.~~

13 ~~(IV) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, \$68,223,132~~
14 ~~SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE AND THE REMAINDER~~
15 ~~SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.~~

16 (2) Subject to subsection (e) of this section, for the fiscal years beginning
17 July 1, [2005] 2006 and each subsequent fiscal year, the balance of the revenue in the
18 special fund, not required under subsection (b) of this section shall be allocated as
19 provided in subsection (d) of this section.

20 (d) Subject to subsection (e) of this section, for the fiscal year beginning July 1,
21 2002 and for each subsequent fiscal year, the balance of the revenue in the special
22 fund, not required under subsection (b) of this section and not allocated to the General
23 Fund under subsection (c)(1) of this section shall be allocated in the State budget as
24 follows:

25 (1) (i) 75.15% for the purposes specified in Title 5, Subtitle 9 of the
26 Natural Resources Article (Program Open Space); and

27 (ii) an additional 1% for Program Open Space, for land acquisition
28 purposes as specified in § 5-903(a)(2) of the Natural Resources Article;

29 (2) 17.05% for the Agricultural Land Preservation Fund established
30 under § 2-505 of the Agriculture Article;

31 (3) 5% for the Rural Legacy Program established under § 5-9A-01 of the
32 Natural Resources Article; and

33 (4) 1.8% for the Heritage Conservation Fund established under § 5-1501
34 of the Natural Resources Article.

35 (e) The sums allocated in subsection (d) of this section may not revert to the
36 General Fund of the State.

1 (f) (1) (I) [For] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 2 PARAGRAPH, FOR any fiscal year in which the actual transfer tax revenue collections
 3 are greater than the revenue estimates used as the basis for the appropriations
 4 required under this section for the fiscal year, the amount of the excess shall be
 5 allocated to the special fund under subsection (a) of this section as provided under
 6 subsections (c) and (d) of this section for the second fiscal year following the fiscal
 7 year in which there is an excess.

8 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH
 9 OR ANY OTHER PROVISION OF LAW, \$21,776,868 OF THE TRANSFER TAX COLLECTED
 10 BUT NOT APPROPRIATED OR TRANSFERRED IN FISCAL 2004 SHALL BE DEDICATED TO
 11 THE ANNUITY BOND FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, TO BE
 12 USED ONLY FOR THE PURPOSE OF MEETING THE DEBT SERVICE REQUIREMENTS FOR
 13 FISCAL 2006 ON STATE BONDS TRANSFERRED TO THE GENERAL FUND OF THE STATE.

14 (2) For any fiscal year in which the actual transfer tax revenue
 15 collections are less than the revenue estimates used as the basis for the
 16 appropriations required under this section, the amount of the deficiency shall be
 17 reconciled as follows:

18 (i) for the first \$3,000,000 of any deficiency, the allocation to the
 19 special fund under subsection (a) of this section as provided under subsections (c) and
 20 (d) of this section for the second fiscal year following the deficiency shall be reduced
 21 by either the amount of the deficiency or \$3,000,000, whichever is less; and

22 (ii) for any deficiency in excess of \$3,000,000, the amount in excess
 23 of \$3,000,000 shall be reconciled either by the reduction of the allocation to the special
 24 fund under subsection (a) of this section as provided under subsections (c) and (d) of
 25 this section for the second fiscal year following the deficiency or by the
 26 deauthorization of projects authorized in prior fiscal years.

27 (3) (i) Any amounts to be deauthorized from prior fiscal years under
 28 paragraph (2)(ii) of this subsection shall be proposed by the Governor in the budget of
 29 the second fiscal year following the fiscal year in which there is a deficiency.

30 (ii) An amount may be deauthorized under this paragraph only as
 31 provided in the State budget bill, as enacted.

32 Article - Transportation

33 2-103.1.

34 (d) The Maryland Transportation Plan shall:

35 (1) Be revised every [3] 5 years through an inclusive public participation
 36 process;

37 (2) Include a 20-year forecast of State transportation needs, based on
 38 the financial resources anticipated to be available to the Department during that
 39 20-year period;

1 (3) Be expressed in terms of goals and objectives; and

2 (4) Include a summary of the types of projects and programs that are
3 proposed to accomplish the goals and objectives, using a multi-modal approach when
4 feasible.

5 (L) (1) (I) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE:

6 1. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE
7 DEPARTMENT SHALL SUBMIT COPIES OF THE PROPOSED CONSOLIDATED
8 TRANSPORTATION PROGRAM AND THE SUPPORTING FINANCIAL FORECAST TO THE
9 GENERAL ASSEMBLY; AND

10 2. ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING
11 OFFICERS OF THE GENERAL ASSEMBLY, THE DEPARTMENT SHALL SUBMIT COPIES
12 OF THE APPROVED CONSOLIDATED TRANSPORTATION PROGRAM AND THE
13 SUPPORTING FINANCIAL FORECAST TO THE GENERAL ASSEMBLY.

14 (II) NOTWITHSTANDING § 2-1246(B)(2) OF THE STATE GOVERNMENT
15 ARTICLE, THE DEPARTMENT SHALL PROVIDE TO EACH MEMBER OF THE GENERAL
16 ASSEMBLY A COPY OF THE PROPOSED CONSOLIDATED TRANSPORTATION PROGRAM
17 AND THE APPROVED CONSOLIDATED TRANSPORTATION PROGRAM.

18 (2) (I) THE FINANCIAL FORECAST SUPPORTING THE CONSOLIDATED
19 TRANSPORTATION PROGRAM TO BE SUBMITTED TO THE GENERAL ASSEMBLY UNDER
20 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE FOLLOWING
21 COMPONENTS:

22 1. A SCHEDULE OF OPERATING EXPENSES FOR EACH
23 SPECIFIC MODAL ADMINISTRATION;

24 2. A SCHEDULE OF REVENUES, INCLUDING TAX AND FEE
25 REVENUES, DEDUCTIONS FROM REVENUES FOR OTHER AGENCIES, DEPARTMENT
26 PROGRAM AND FEES, MOTOR VEHICLE ADMINISTRATION COST RECOVERY,
27 DEDUCTIONS FOR HIGHWAY USER REVENUES, OPERATING REVENUES BY MODAL
28 ADMINISTRATION, AND MISCELLANEOUS REVENUES; AND

29 3. A SUMMARY SCHEDULE FOR THE TRANSPORTATION
30 TRUST FUND THAT INCLUDES THE OPENING AND CLOSING FUND BALANCE,
31 REVENUES, TRANSFERS, BOND SALES, BOND PREMIUMS, ANY OTHER REVENUES,
32 EXPENDITURES FOR DEBT SERVICE, OPERATING EXPENSES, AMOUNTS AVAILABLE
33 FOR CAPITAL EXPENSES, BOND INTEREST RATES, BOND COVERAGE RATIOS, TOTAL
34 BONDS OUTSTANDING, FEDERAL CAPITAL AID, AND THE TOTAL AMOUNT FOR THE
35 TRANSPORTATION CAPITAL PROGRAM.

36 (II) THE FINANCIAL FORECAST SHALL INCLUDE, FOR EACH OF THE
37 COMPONENTS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:

38 1. ACTUAL INFORMATION FOR THE LAST FULL FISCAL YEAR;
39 AND

1 2. FORECASTS OF THE INFORMATION FOR EACH OF THE SIX
2 SUBSEQUENT FISCAL YEARS, INCLUDING THE CURRENT FISCAL YEAR, THE FISCAL
3 YEAR FOR THE PROPOSED BUDGET, AND THE NEXT FOUR SUBSEQUENT FISCAL
4 YEARS.

5 ~~3-216.~~

6 ~~(g) (3) (i) The cumulative amount REQUIRED TO BE appropriated to the~~
7 ~~Transportation Trust Fund under paragraph (1) of this subsection for all fiscal years~~
8 ~~may not exceed [\$314,913,000] AN AMOUNT EQUAL TO \$314,913,000 REDUCED BY:~~

9 1. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
10 FROM THE GENERAL FUND OF THE STATE TO THE TRANSPORTATION TRUST FUND
11 FOR ANY FISCAL YEAR IN EXCESS OF THE AMOUNT REQUIRED UNDER PARAGRAPH
12 (1) OF THIS SUBSECTION FOR THAT FISCAL YEAR; AND

13 2. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
14 FROM THE GENERAL FUND OF THE STATE TO THE TRANSPORTATION TRUST FUND
15 FOR ANY FISCAL YEAR IN WHICH THE APPROPRIATION UNDER PARAGRAPH (1) OF
16 THIS SUBSECTION IS NOT REQUIRED.

17 ~~(ii) This subsection does not apply to any fiscal year if a cumulative~~
18 ~~amount [equal to at least \$314,913,000] has been appropriated to the Transportation~~
19 ~~Trust Fund for prior fiscal years under this subsection EQUAL TO AT LEAST~~
20 ~~\$314,913,000 REDUCED BY:~~

21 1. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
22 FROM THE GENERAL FUND OF THE STATE TO THE TRANSPORTATION TRUST FUND
23 FOR ANY FISCAL YEAR IN EXCESS OF THE AMOUNT REQUIRED UNDER PARAGRAPH
24 (1) OF THIS SUBSECTION FOR THAT FISCAL YEAR; AND

25 2. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER
26 FROM THE GENERAL FUND OF THE STATE TO THE TRANSPORTATION TRUST FUND
27 FOR ANY FISCAL YEAR IN WHICH THE APPROPRIATION UNDER PARAGRAPH (1) OF
28 THIS SUBSECTION IS NOT REQUIRED.

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

31 Article - Tax - General

32 ~~8-406.~~

33 ~~(b) (1) (f) [A] SUBJECT TO THE LIMITATIONS OF THIS SUBSECTION, A~~
34 ~~public service company, including any multijurisdictional public service company,~~
35 ~~may claim a credit against the public service company franchise tax in the amount of~~
36 ~~\$3 for each ton of Maryland mined coal that the public service company purchased in~~
37 ~~the calendar year.~~

1 ~~(H) THE CREDIT UNDER THIS SUBSECTION MAY NOT BE CLAIMED~~
2 ~~FOR MARYLAND-MINED COAL PURCHASED IN A CALENDAR YEAR BEGINNING AFTER~~
3 ~~DECEMBER 31, 2020.~~

4 ~~(2) (I) THIS PARAGRAPH APPLIES ONLY TO CREDITS CLAIMED UNDER~~
5 ~~THIS SUBSECTION FOR CALENDAR YEARS BEGINNING ON OR AFTER JANUARY 1, 2007.~~

6 ~~(H) FOR MARYLAND-MINED COAL PURCHASED IN CALENDAR~~
7 ~~YEARS BEGINNING ON OR AFTER JANUARY 1, 2007, THE AMOUNT CLAIMED AS A~~
8 ~~CREDIT UNDER THIS SUBSECTION MAY NOT EXCEED THE AMOUNT APPROVED BY~~
9 ~~THE DEPARTMENT UNDER THIS PARAGRAPH.~~

10 ~~(III) BY JANUARY 15 OF THE CALENDAR YEAR FOLLOWING THE END~~
11 ~~OF THE CALENDAR YEAR IN WHICH THE MARYLAND-MINED COAL WAS PURCHASED,~~
12 ~~A PUBLIC SERVICE COMPANY SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT~~
13 ~~FOR APPROVAL OF THE CREDIT ALLOWED UNDER THIS SUBSECTION.~~

14 ~~(IV) SUBJECT TO SUBPARAGRAPH (VIII) OF THIS PARAGRAPH, THE~~
15 ~~TOTAL AMOUNT OF CREDITS APPROVED BY THE DEPARTMENT UNDER THIS~~
16 ~~SUBSECTION FOR ANY CALENDAR YEAR MAY NOT EXCEED:~~

17 ~~1. \$9,000,000 FOR A CALENDAR YEAR BEGINNING AFTER~~
18 ~~DECEMBER 31, 2006 BUT BEFORE JANUARY 1, 2011;~~

19 ~~2. \$4,200,000 FOR A CALENDAR YEAR BEGINNING AFTER~~
20 ~~DECEMBER 31, 2010 BUT BEFORE JANUARY 1, 2015; AND~~

21 ~~3. \$2,100,000 FOR A CALENDAR YEAR BEGINNING AFTER~~
22 ~~DECEMBER 31, 2014 BUT BEFORE JANUARY 1, 2021.~~

23 ~~(V) THE DEPARTMENT MAY NOT APPROVE ANY CREDITS UNDER~~
24 ~~THIS SUBSECTION FOR A CALENDAR YEAR BEGINNING AFTER DECEMBER 31, 2020.~~

25 ~~(VI) SUBJECT TO SUBPARAGRAPH (VIII) OF THIS SUBSECTION, IF~~
26 ~~THE TOTAL AMOUNT OF CREDITS APPLIED FOR BY ALL PUBLIC SERVICE COMPANIES~~
27 ~~FOR ANY CALENDAR YEAR UNDER THIS SUBSECTION EXCEEDS THE MAXIMUM~~
28 ~~SPECIFIED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE DEPARTMENT~~
29 ~~SHALL APPROVE A CREDIT UNDER THIS SUBSECTION FOR EACH APPLICANT IN AN~~
30 ~~AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE CREDIT APPLIED FOR BY~~
31 ~~THE APPLICANT TIMES A FRACTION:~~

32 ~~1. THE NUMERATOR OF WHICH IS THE MAXIMUM SPECIFIED~~
33 ~~UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH; AND~~

34 ~~2. THE DENOMINATOR OF WHICH IS THE TOTAL OF ALL~~
35 ~~CREDITS APPLIED FOR BY ALL APPLICANTS UNDER THIS SUBSECTION FOR THE~~
36 ~~CALENDAR YEAR.~~

37 ~~(VII) BY FEBRUARY 15 OF THE CALENDAR YEAR FOLLOWING THE~~
38 ~~END OF THE CALENDAR YEAR IN WHICH THE MARYLAND-MINED COAL WAS~~

1 ~~PURCHASED, THE DEPARTMENT SHALL CERTIFY TO EACH PUBLIC SERVICE~~
 2 ~~COMPANY THE AMOUNT OF THE TAX CREDITS APPROVED BY THE DEPARTMENT FOR~~
 3 ~~THE PUBLIC SERVICE COMPANY UNDER THIS SUBSECTION.~~

4 ~~(VIII) 1. OF THE TOTAL CREDITS APPROVED FOR ANY CALENDAR~~
 5 ~~YEAR BEGINNING AFTER DECEMBER 31, 2006 BUT BEFORE JANUARY 1, 2021, \$2,100,000~~
 6 ~~OF THE CREDITS SHALL BE RESERVED FOR PURCHASES OF MARYLAND MINED COAL~~
 7 ~~THAT WILL BE USED BY A FACILITY IN MARYLAND.~~

8 ~~2. IF THE TOTAL AMOUNT OF CREDITS APPLIED FOR BY ALL~~
 9 ~~PUBLIC SERVICE COMPANIES FOR ANY CALENDAR YEAR FOR THE PURCHASE OF~~
 10 ~~MARYLAND MINED COAL THAT WILL BE USED IN MARYLAND EXCEEDS \$2,100,000,~~
 11 ~~THE DEPARTMENT SHALL APPROVE A CREDIT UNDER THIS SUBPARAGRAPH FOR~~
 12 ~~EACH APPLICANT IN AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE~~
 13 ~~CREDIT APPLIED FOR BY THE APPLICANT TIMES A FRACTION:~~

14 ~~A. THE NUMERATOR OF WHICH IS \$2,100,000; AND~~

15 ~~B. THE DENOMINATOR OF WHICH IS THE TOTAL OF ALL~~
 16 ~~CREDITS APPLIED FOR BY ALL APPLICANTS UNDER THIS SUBSECTION FOR THE~~
 17 ~~CALENDAR YEAR FOR THE PURCHASE OF MARYLAND MINED COAL THAT WILL BE~~
 18 ~~USED IN MARYLAND.~~

19 10-102.1.

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

21 (2) "Distributable cash flow" means taxable income reportable by [an
 22 entity] A PASS-THROUGH ENTITY on its federal income tax return for the taxable
 23 year:

24 (i) adjusted, in the case of an entity using the accrual method of
 25 accounting to report federal taxable income, to reflect the amount of taxable income
 26 that would have been reported under the cash method of accounting;

27 (ii) increased by the sum of:

28 1. cash receipts for the taxable year that are not includable
 29 in the gross income of the entity, including capital contributions and loan proceeds;

30 2. amounts allowable to the entity for the taxable year as
 31 deductions for depreciation, amortization, and depletion; and

32 3. the decrease, if any, in the entity's liability reserve as of
 33 the end of the taxable year; and

34 (iii) decreased by the sum of:

1 1. cash expenditures for the taxable year that are not
 2 deductible in computing the taxable income of the entity, not including distributions
 3 to shareholders, partners, or members; and

4 2. the increase, if any, in the entity's liability reserve as of
 5 the end of the taxable year.

6 (3) "Liability reserve" means accrued unpaid liabilities that are not
 7 deductible in computing taxable income.

8 (4) "MEMBER" MEANS:

9 (I) A SHAREHOLDER OF AN S CORPORATION;

10 (II) A GENERAL OR LIMITED PARTNER OF A PARTNERSHIP, LIMITED
 11 PARTNERSHIP, OR LIMITED LIABILITY PARTNERSHIP; OR

12 (III) A MEMBER OF A LIMITED LIABILITY COMPANY.

13 (5) "NONRESIDENT ENTITY" MEANS AN ENTITY THAT IS NOT FORMED
 14 UNDER THE LAWS OF THE STATE AND IS NOT QUALIFIED BY OR REGISTERED WITH
 15 THE DEPARTMENT OF ASSESSMENTS AND TAXATION TO DO BUSINESS IN THE STATE.

16 ~~[(4)]~~ (6) "Nonresident taxable income" means any income described in §
 17 10-210(b)(1) through (4) of this title.

18 (7) "PASS-THROUGH ENTITY" MEANS:

19 (I) AN S CORPORATION;

20 (II) A PARTNERSHIP; OR

21 (III) A LIMITED LIABILITY COMPANY THAT IS NOT TAXED AS A
 22 CORPORATION UNDER THIS TITLE.

23 (b) In addition to any other tax imposed under this title, a tax is imposed on
 24 each [S corporation, partnership, and limited liability company,] PASS-THROUGH
 25 ENTITY that has:

26 (1) any [shareholder, partner, or] member who is a nonresident of the
 27 State OR IS A NONRESIDENT ENTITY; and

28 (2) any nonresident taxable income for the taxable year.

29 (c) (1) The tax imposed under subsection (b) of this section shall be treated
 30 as a tax imposed on the [individual] nonresident [shareholders, partners,] or
 31 NONRESIDENT ENTITY members that is paid on behalf of the [individuals]
 32 NONRESIDENTS OR NONRESIDENT ENTITIES by the [S corporation, partnership, or
 33 limited liability company] PASS-THROUGH ENTITY.

1 (2) THE COMPTROLLER SHALL PROVIDE BY REGULATION FOR THE
 2 TREATMENT OF THE TAX IMPOSED UNDER SUBSECTION (B) OF THIS SECTION THAT IS
 3 PAID ON BEHALF OF A NONRESIDENT ENTITY MEMBER THAT IS ITSELF A
 4 PASS-THROUGH ENTITY.

5 (d) (1) Except as provided in paragraph (2) of this subsection, the tax
 6 imposed under subsection (b) of this section is THE SUM OF:

7 (I) A RATE EQUAL TO THE SUM OF THE RATE OF THE TAX IMPOSED
 8 UNDER § 10-106.1 OF THIS TITLE AND the top marginal State tax rate for individuals
 9 under § 10-105(a)(4) of this subtitle applied to[:

10 (i)] the sum of each nonresident [partner's] INDIVIDUAL
 11 MEMBER'S distributive share OR PRO-RATA SHARE of a [partnership's]
 12 PASS-THROUGH ENTITY'S nonresident taxable income; AND

13 (II) THE RATE OF THE TAX FOR A CORPORATION UNDER § 10-105(B)
 14 OF THIS SUBTITLE APPLIED TO THE SUM OF EACH NONRESIDENT ENTITY MEMBER'S
 15 DISTRIBUTIVE SHARE OR PRO-RATA SHARE OF A PASS-THROUGH ENTITY'S
 16 NONRESIDENT TAXABLE INCOME.

17 [(ii) the sum of each nonresident shareholder's pro rata share of an
 18 S corporation's nonresident taxable income; or

19 (iii) the sum of each nonresident member's distributive share of a
 20 limited liability company's nonresident taxable income.]

21 (2) The tax required to be paid for any taxable year on behalf of
 22 [nonresident shareholders, nonresident partners, or] nonresident OR NONRESIDENT
 23 ENTITY members by [an S corporation, a partnership, or a limited liability company]
 24 A PASS-THROUGH ENTITY may not exceed the sum of all of the nonresident
 25 [shareholders', partners', or] AND NONRESIDENT ENTITY members' shares of the
 26 PASS-THROUGH entity's distributable cash flow.

27 (E) (1) (I) THE TAX IMPOSED UNDER SUBSECTION (B) OF THIS SECTION
 28 DOES NOT APPLY WITH RESPECT TO THE DISTRIBUTIVE SHARE OR PRO-RATA SHARE
 29 OF A MEMBER THAT IS ITSELF A PASS-THROUGH ENTITY FORMED UNDER THE LAWS
 30 OF THE STATE OR QUALIFIED BY OR REGISTERED WITH THE DEPARTMENT OF
 31 ASSESSMENTS AND TAXATION TO DO BUSINESS IN THE STATE.

32 ~~(2)~~ (II) A MEMBER OF A PASS-THROUGH ENTITY THAT IS ITSELF A
 33 PASS-THROUGH ENTITY AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION
 34 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL COMPLY WITH THE PROVISIONS OF
 35 THIS SECTION WITH RESPECT TO ANY OF ITS MEMBERS THAT ARE NONRESIDENTS
 36 OR NONRESIDENT ENTITIES.

37 (2) THE TAX IMPOSED UNDER SUBSECTION (B) OF THIS SECTION DOES
 38 NOT APPLY WITH RESPECT TO THE DIRECT OR INDIRECT DISTRIBUTIVE SHARE OR
 39 PRO RATA SHARE OF A MEMBER THAT IS A REAL ESTATE INVESTMENT TRUST AS
 40 DEFINED BY § 856 OF THE INTERNAL REVENUE CODE.

1 [(e)] (F) The Comptroller may provide by regulation for:

2 (1) the filing of composite returns by [an S corporation, partnership, or
3 limited liability company] A PASS-THROUGH ENTITY on behalf of its nonresident
4 [shareholders, partners, and] AND NONRESIDENT ENTITY members; and

5 (2) application of or exemption from the tax imposed under subsection
6 (b) of this section for [an S corporation, partnership, or limited liability company] A
7 PASS-THROUGH ENTITY:

8 (i) that files a composite return on behalf of nonresident
9 [shareholders, partners, or] AND NONRESIDENT ENTITY members; or

10 (ii) the nonresident [shareholders, partners, or] OR NONRESIDENT
11 ENTITY members of which are tax exempt [or pass-through entities].

12 [(f)] (G) (1) Subject to paragraph (2) of this subsection, if a partnership fails
13 to pay the tax when due the tax may be collected from the partners under the law
14 applicable to debts of the partnership, with the partnership and partners having
15 rights of contribution against any nonresident partner on whose behalf the tax is
16 paid.

17 (2) Unless it is established by the Comptroller that the partner
18 participated in a pattern of distributions to one or more partners with the intention of
19 defeating the partnership liability for the tax imposed under subsection (b) of this
20 section, any partner otherwise liable under paragraph (1) of this subsection shall be
21 liable for the tax imposed on the partnership only to the extent of distributions from
22 the partnership to that partner after the tax was due to be paid by the partnership.

23 [(g)] (H) Except as provided in § 10-701.1 of this title, nothing in this section
24 limits or affects in any way the liability of an individual nonresident [shareholder,
25 partner, or] member OR A NONRESIDENT ENTITY MEMBER for the tax imposed on the
26 individual NONRESIDENT OR NONRESIDENT ENTITY under § 10-102 of this subtitle.

27 (I) THE TAX IMPOSED UNDER SUBSECTION (B) OF THIS SECTION DOES NOT
28 APPLY TO A PUBLICLY-TRADED PASS-THROUGH ENTITY THAT HAS AGREED TO FILE
29 WITH THE COMPTROLLER AN ANNUAL INFORMATION RETURN REPORTING THE
30 NAME, ADDRESS, TAXPAYER IDENTIFICATION NUMBER, AND OTHER INFORMATION
31 REQUESTED BY THE COMPTROLLER OF EACH NONRESIDENT OR NONRESIDENT
32 ENTITY MEMBER WHOSE DISTRIBUTIVE SHARE OR PRO-RATA SHARE OF THE
33 PASS-THROUGH ENTITY'S NONRESIDENT TAXABLE INCOME FOR THE TAXABLE YEAR
34 EXCEEDS \$500.

35 10-204.

36 (a) To the extent excluded from federal adjusted gross income, the amounts
37 under this section are added to the federal adjusted gross income of a resident to
38 determine Maryland adjusted gross income.

1 (I) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE
 2 AMOUNT DEDUCTED UNDER § 199 OF THE INTERNAL REVENUE CODE FOR THE
 3 QUALIFIED PRODUCTION ACTIVITIES INCOME OF THE TAXPAYER FOR THE TAXABLE
 4 YEAR.

5 10-210.1.

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

8 (3) an amount is added to or subtracted from federal adjusted gross
 9 income to reflect the determination of the maximum aggregate costs that the
 10 taxpayer may treat as an expense under § 179 of the Internal Revenue Code for any
 11 taxable year without regard to the changes made to that section by the Federal Jobs
 12 and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108-27) OR BY THE AMERICAN
 13 JOBS CREATION ACT OF 2004 (P.L. 108-357); and

14 10-305.

15 (a) To the extent excluded from federal taxable income, the amounts under
 16 this section are added to the federal taxable income of a corporation to determine
 17 Maryland modified income.

18 (d) The addition under subsection (a) of this section includes the additions
 19 required for an individual under:

20 (1) § 10-204(b) of this title (Dividends and interest from another state or
 21 local obligation);

22 (2) § 10-204(c)(2) of this title (Federal tax exempt income); [and]

23 (3) § 10-204(e) of this title (Oil percentage depletion allowance); AND

24 (4) § 10-204(I) OF THIS TITLE (DEDUCTION FOR QUALIFIED PRODUCTION
 25 ACTIVITIES INCOME).

26 10-701.1.

27 An individual OR A CORPORATION may claim a credit against the State income
 28 tax for a taxable year in the amount of tax paid by a [partnership, S corporation, or
 29 limited liability company] PASS-THROUGH ENTITY under § 10-102.1 of this title that
 30 is attributable to the individual's OR CORPORATION'S share of the [partnership's, S
 31 corporation's, or limited liability company's] PASS-THROUGH ENTITY'S nonresident
 32 taxable income, as defined in § 10-102.1(a)(4) of this title.

33 ~~10-704.1.~~

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

1 ~~(2) "Cogenerator" means a qualifying cogenerator or qualifying small~~
 2 ~~power producer as determined by the Federal Energy Regulatory Commission under~~
 3 ~~the Public Utility Regulatory Policies Act of 1978.~~

4 ~~(3) "Electricity supplier" has the meaning stated in § 1-101 of the Public~~
 5 ~~Utility Companies Article.~~

6 ~~(b) This section does not apply to:~~

7 ~~(1) a cogenerator or electricity supplier that is subject to the public~~
 8 ~~service company franchise tax; or~~

9 ~~(2) an electricity supplier that, before July 1, 1999, was not an electric~~
 10 ~~company as defined in § 1-101 of the Public Utility Companies Article as in effect on~~
 11 ~~June 30, 1999, unless the electricity supplier is an affiliate of such an electric~~
 12 ~~company.~~

13 ~~(c) A cogenerator or electricity supplier may claim a credit against the State~~
 14 ~~income tax in the amount of \$3 for each ton of Maryland mined coal that the~~
 15 ~~cogenerator or electricity supplier purchased in the taxable year.~~

16 ~~(d) (1) A cogenerator or electricity supplier may only apply the credit~~
 17 ~~against the State income tax for the taxable year in which the credit was earned.~~

18 ~~(2) The amount of the credit may not exceed the State income tax for~~
 19 ~~that taxable year.~~

20 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 21 read as follows:

22 Article - Insurance

23 10-115.

24 (a) (1) Licenses expire every other year on the anniversary of the date of
 25 issuance of the license unless renewed as provided in this section.

26 (2) If a license expires under paragraph (1) of this subsection, the
 27 appointments held by the insurance producer shall be terminated as of the day of the
 28 expiration of the license.

29 (b) At least 1 month before a license expires, the Commissioner shall mail to
 30 the holder of the license, at the last known address of the holder:

31 (1) a renewal application form; and

32 (2) a notice that states:

33 (i) the date by which the Commissioner must receive the renewal
 34 application for the renewal to be issued and mailed before the license expires; and

1 (ii) the amount of the renewal fee.

2 (c) [Before] SUBJECT TO SUBSECTION (F) OF THIS SECTION, BEFORE a license
3 expires, the holder of the license may renew it for an additional 2-year term, if the
4 holder:

5 (1) otherwise is entitled to a license;

6 (2) files with the Commissioner a renewal application:

7 (i) on the form that the Commissioner provides; or

8 (ii) in an electronic format that the Commissioner approves;

9 (3) completes the continuing education requirements established under §
10 10-116 of this subtitle; and

11 (4) pays to the Commissioner the renewal fee required by § 2-112 of this
12 article.

13 (d) (1) If mailed, an application for renewal of a license shall be considered
14 made in a timely manner if it is postmarked on or before the expiration date of the
15 license.

16 (2) If submitted electronically, an application for renewal shall be
17 considered made in a timely manner if, on or before the expiration date of the license,
18 the application:

19 (i) is addressed properly or otherwise directed properly to an
20 information processing system that the Administration has designated or uses for the
21 purpose of receiving electronic applications and from which the Administration is able
22 to retrieve the application;

23 (ii) is in a form capable of being processed by that system; and

24 (iii) enters an information processing system outside the control of
25 the sender or of a person that sent the electronic application on behalf of the sender or
26 enters a region of the information processing system designated or used by the
27 Administration that is under the control of the Administration or an agent of the
28 Administration.

29 (e) (1) The Commissioner shall renew the license of each holder who meets
30 the requirements of this section.

31 (2) If the holder of a license complies with subsections (b) and (c) of this
32 section before the license expires, the license remains in effect until the decision of the
33 Commissioner regarding the application for renewal is final.

34 (F) (1) A LICENSE IS CONSIDERED RENEWED FOR PURPOSES OF THIS
35 SUBSECTION IF THE LICENSE IS ISSUED TO A PERSON FOR THE PERIOD

1 IMMEDIATELY FOLLOWING A PERIOD FOR WHICH THE PERSON PREVIOUSLY
 2 POSSESSED THE SAME OR A SUBSTANTIALLY SIMILAR LICENSE.

3 (2) BEFORE A LICENSE MAY BE RENEWED UNDER THIS SECTION, THE
 4 COMMISSIONER SHALL VERIFY THROUGH THE OFFICE OF THE COMPTROLLER THAT
 5 THE APPLICANT HAS PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT
 6 INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY
 7 OF LABOR, LICENSING, AND REGULATION OR THAT THE APPLICANT HAS PROVIDED
 8 FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR
 9 COLLECTION.

10 [(f)] (G) The Commissioner may adopt regulations to:

11 (1) carry out this section; and

12 (2) develop a staggered system of renewals for licenses of insurance
 13 producers.

14 **Article - Tax - General**

15 9-303.

16 (D) THE MOTOR FUEL TAX DOES NOT APPLY TO MOTOR FUEL THAT IS
 17 BOUGHT BY THE DEPARTMENT OF GENERAL SERVICES FOR USE BY STATE
 18 AGENCIES.

19 10-908.

20 (d) A payor shall withhold from a payment subject to withholding of winnings
 21 derived from wagering:

22 (1) if the payee is a resident, a rate equal to the sum of [2.5%] 3.0% and
 23 the top marginal State income tax rate for individuals under § 10-105(a) of this title,
 24 applied to the payment; and

25 (2) if the payee is a nonresident, A RATE EQUAL TO THE SUM OF THE
 26 RATE OF THE TAX IMPOSED UNDER § 10-106.1 OF THIS TITLE AND the top marginal
 27 State income tax rate for individuals under § 10-105(a) of this title, applied to the
 28 payment.

29 (F) IF A PAYMENT TO A RESIDENT PAYEE IS A DESIGNATED DISTRIBUTION
 30 THAT IS AN ELIGIBLE ROLLOVER DISTRIBUTION WITHIN THE MEANING OF § 3405(C)
 31 OF THE INTERNAL REVENUE CODE AND THE PAYMENT IS SUBJECT TO MANDATORY
 32 WITHHOLDING OF FEDERAL INCOME TAX, THE PAYOR SHALL WITHHOLD FROM THE
 33 PAYMENT THE SUM OF 3% AND THE TOP MARGINAL STATE INCOME TAX RATE FOR
 34 INDIVIDUALS UNDER § 10-105(A) OF THIS TITLE, APPLIED TO THE PAYMENT.

1 10-910.

2 (b) (1) Except as provided in paragraph (2) of this subsection, an employer
3 shall base withholding for an employee:

4 (i) on the number of exemptions stated in the exemption certificate
5 that the employee files; or

6 (ii) if the employee fails to file an exemption certificate or files an
7 invalid certificate under subsection (c) of this section, on 1 exemption.

8 (2) If the Comptroller notifies an employer that an employee has an
9 unpaid tax liability OR THAT AN EMPLOYEE IS SUBJECT TO A TAX REFUND
10 INTERCEPTION REQUEST, the employer shall base withholding for the employee on a
11 number of exemptions not exceeding the actual number of exemptions allowed on the
12 employee's prior year's income tax return, as specified by the Comptroller.

13 10-912.

14 (c) Except as otherwise provided in this section, in a sale or exchange of real
15 property and associated tangible personal property owned by a nonresident or
16 nonresident entity, the deed or other instrument of writing that effects a change of
17 ownership on the assessment books under the Tax - Property Article may not be
18 recorded with the clerk of the circuit court for a county or filed with the Department
19 of Assessments and Taxation unless payment is made to the clerk of the circuit court
20 for a county or the Department of Assessments and Taxation in an amount equal to:

21 (1) [4.75% of] THE SUM OF THE RATE OF THE TAX IMPOSED UNDER §
22 10-106.1 OF THIS TITLE AND THE TOP MARGINAL STATE INCOME TAX RATE FOR
23 INDIVIDUALS UNDER § 10-105(A) OF THIS TITLE, APPLIED TO the total payment to a
24 nonresident; or

25 (2) 7% of the total payment to a nonresident entity.

26 11-105.

27 (a) (1) Except as provided in subsections (b) and (c) of this section, a
28 [person] VENDOR who timely files a sales and use tax return is allowed, for the
29 expense of collecting and paying the tax, a credit equal to 0.9% of the gross amount of
30 sales and use tax that the [person] VENDOR is to pay to the Comptroller.

31 (2) THE CREDIT ALLOWED UNDER THIS SECTION DOES NOT APPLY TO
32 ANY SALES AND USE TAX THAT A VENDOR IS REQUIRED TO PAY TO THE
33 COMPTRROLLER FOR ANY PURCHASE OR USE THAT THE VENDOR MAKES THAT IS
34 SUBJECT TO THE TAX.

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

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

5 (c) From July 1, 2004 through June 30, ~~2006~~ 2008:

6 (1) the credit allowed under subsection (a) of this section is 0.45% of the
7 gross amount of sales and use tax that the [person] VENDOR is to pay to the
8 Comptroller; and

9 (2) the credit allowed under subsection (b) is:

10 (i) 0.6% of the first \$6,000 of the gross amount of sales and use tax
11 that the [person] VENDOR is to pay with each return; or

12 (ii) for a vendor described in subsection (b)(2) of this section, 0.6% of
13 the first \$6,000 of the gross amount of sales and use tax that the [person] VENDOR is
14 or would be required to pay with the consolidated return.

15 13-203.

16 (c) Tax information may be disclosed to:

17 (1) an employee or officer of the State who, by reason of that employment
18 or office, has the right to the tax information;

19 (2) another tax collector;

20 (3) the Maryland Tax Court;

21 (4) a legal representative of the State, to review the tax information
22 about a taxpayer;

23 (i) who applies for review under this title;

24 (ii) who appeals from a determination under this title; or

25 (iii) against whom an action to recover tax or a penalty is pending or
26 will be initiated under this title; [and]

27 (5) any license issuing authority of the State required by State law to
28 verify through the Comptroller that an applicant has paid all undisputed taxes and
29 unemployment insurance contributions payable to the Comptroller or the Secretary of
30 Labor, Licensing, and Regulation or that the applicant has provided for payment in a
31 manner satisfactory to the unit responsible for collection; AND

32 (6) A LOCAL OFFICIAL AS DEFINED IN § 13-925 OF THIS TITLE TO THE
33 EXTENT NECESSARY TO ADMINISTER SUBTITLE 9, PART V OF THIS TITLE.

1 13-901.

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

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

5 2. is bought by:

6 A. the United States or a unit of the United States
7 government; [or]

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

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

12 13-923. RESERVED.

13 13-924. RESERVED.

14 PART V. POLITICAL SUBDIVISION LIABILITIES - WITHHOLDING OF TAX REFUNDS
15 AND PAYMENTS.

16 13-925.

17 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

18 (B) "LOCAL OFFICIAL" MEANS A UNIT OR OFFICIAL OF A POLITICAL
19 SUBDIVISION OF THE STATE CHARGED WITH THE IMPOSITION, ASSESSMENT, OR
20 COLLECTION OF TAXES OR OTHER LIABILITIES PAYABLE TO THE POLITICAL
21 SUBDIVISION.

22 (C) "REFUND" MEANS A REFUND OF ANY TAX IMPOSED UNDER MARYLAND
23 LAW.

24 (D) (1) "VENDOR PAYMENT" MEANS ANY PAYMENT MADE BY THE STATE OR
25 BY A POLITICAL SUBDIVISION OF THE STATE TO ANY PERSON.

26 (2) "VENDOR PAYMENT" INCLUDES ANY EXPENSE REIMBURSEMENT
27 PAYABLE TO AN EMPLOYEE OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE
28 STATE.

29 (3) "VENDOR PAYMENT" DOES NOT INCLUDE A PERSON'S SALARY,
30 WAGES, OR PENSION.

31 13-926.

32 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL
33 OFFICIAL MAY:

1 (1) CERTIFY TO THE COMPTROLLER THE EXISTENCE OF A PERSON'S
2 DELINQUENT TAX LIABILITY OR ANY OTHER LIABILITY OWED BY THE PERSON TO
3 THE LOCAL OFFICIAL'S POLITICAL SUBDIVISION; AND

4 (2) REQUEST THE COMPTROLLER TO WITHHOLD ANY REFUND AND
5 VENDOR PAYMENT TO WHICH THE PERSON IS ENTITLED.

6 (B) A LOCAL OFFICIAL MAY NOT CERTIFY OR REQUEST THE COMPTROLLER TO
7 WITHHOLD A REFUND OR VENDOR PAYMENT UNLESS THE LAWS OF THE LOCAL
8 OFFICIAL'S POLITICAL SUBDIVISION;

9 (1) ALLOW THE COMPTROLLER TO CERTIFY TAX DUE TO THE STATE;

10 (2) ALLOW THE COMPTROLLER TO REQUEST THE LOCAL OFFICIAL TO
11 WITHHOLD FROM ANY VENDOR PAYMENT THE PERSON'S TAX DUE TO THE STATE;
12 AND

13 (3) PROVIDE FOR THE PAYMENT OF THE AMOUNT WITHHELD TO THE
14 COMPTROLLER.

15 (C) THE WITHHOLDING OF A REFUND OR VENDOR PAYMENT SHALL BE
16 SUBJECT TO THE PRIORITIES UNDER § 13-918 OF THIS SUBTITLE.

17 13-927.

18 (A) A CERTIFICATION BY A LOCAL OFFICIAL TO THE COMPTROLLER SHALL
19 INCLUDE:

20 (1) THE FULL NAME AND ADDRESS OF THE PERSON AND ANY OTHER
21 NAMES KNOWN TO BE USED BY THE PERSON;

22 (2) THE SOCIAL SECURITY NUMBER OR FEDERAL TAX IDENTIFICATION
23 NUMBER, IF KNOWN;

24 (3) THE AMOUNT OF THE TAX OR OTHER LIABILITY INCLUDING:

25 (I) A STATEMENT INDICATING THE NATURE OF THE LIABILITY;
26 AND

27 (II) IN THE CASE OF A LIABILITY FOR TAXES, A DETAILED
28 STATEMENT FOR EACH TAXABLE YEAR SHOWING TAX, INTEREST, AND PENALTY; AND

29 (4) A STATEMENT THAT ALL ADMINISTRATIVE REMEDIES AND APPEALS
30 HAVE BEEN EXHAUSTED AND THAT THE TAX OR OTHER LIABILITY HAS BECOME
31 FINAL.

32 (B) THE COMPTROLLER SHALL DETERMINE IF A PERSON FOR WHOM A
33 CERTIFICATION IS RECEIVED IS DUE A REFUND OF MARYLAND TAX OR A VENDOR
34 PAYMENT.

1 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, AS TO ANY PERSON DUE A
2 REFUND OR VENDOR PAYMENT, THE COMPTROLLER SHALL:

3 (1) WITHHOLD ANY REFUND AND VENDOR PAYMENT THAT IS DUE A
4 PERSON WHOSE NAME HAS BEEN CERTIFIED BY A LOCAL OFFICIAL;

5 (2) NOTIFY THE PERSON OF THE AMOUNT WITHHELD IN ACCORDANCE
6 WITH THE CERTIFICATION BY A LOCAL OFFICIAL OF THE EXISTENCE OF A TAX OR
7 OTHER LIABILITY;

8 (3) PAY TO THE POLITICAL SUBDIVISION THE LESSER OF:

9 (I) THE ENTIRE REFUND AND VENDOR PAYMENT; OR

10 (II) THE AMOUNT CERTIFIED;

11 (4) PAY ANY REFUND AND VENDOR PAYMENT IN EXCESS OF THE
12 CERTIFIED AMOUNT TO THE PERSON; AND

13 (5) IF THE REFUND AND VENDOR PAYMENT IS LESS THAN THE
14 CERTIFIED AMOUNT, WITHHOLD AMOUNTS FROM SUBSEQUENT REFUNDS AND
15 VENDOR PAYMENTS DUE THE PERSON, IF THE LAWS OF THE POLITICAL SUBDIVISION
16 PROVIDE THAT THE POLITICAL SUBDIVISION SHALL WITHHOLD A VENDOR PAYMENT
17 DUE PERSONS CERTIFIED TO THE POLITICAL SUBDIVISION BY THE COMPTROLLER.

18 (D) IF AN INDIVIDUAL FILED A JOINT INCOME TAX RETURN, THE
19 COMPTROLLER MAY NOT WITHHOLD OR PAY TO A POLITICAL SUBDIVISION THE
20 INDIVIDUAL'S INCOME TAX REFUND UNLESS THE CERTIFICATION INCLUDES BOTH
21 NAMES OF THE INDIVIDUALS FILING THE JOINT INCOME TAX RETURN.

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

24 Article - Health - General

25 15-119.

26 (A) (1) THIS SECTION DOES NOT APPLY TO DRUGS COVERED BY MANAGED
27 CARE ORGANIZATIONS UNDER § 15-103 OF THIS SUBTITLE.

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

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

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

3 ~~**Article - Transportation**~~

4 ~~1-103.~~

5 ~~(a) A license or permit is considered renewed for purposes of this section if the~~
 6 ~~license or permit is issued by a unit of State government to a person for the period~~
 7 ~~immediately following a period for which the person previously possessed the same or~~
 8 ~~a substantially similar license.~~

9 ~~(b) Before any license or permit may be renewed under this article, the issuing~~
 10 ~~authority shall verify through the Office of the Comptroller that the applicant has~~
 11 ~~paid all undisputed taxes and unemployment insurance contributions payable to the~~
 12 ~~Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant~~
 13 ~~has provided for payment in a manner satisfactory to the unit responsible for~~
 14 ~~collection.~~

15 ~~(c) Subsection (b) of this section does not apply to licenses issued under:~~

16 ~~(1) Title 13 of this article (motor vehicle registrations); or~~

17 ~~(2) Title 16 of this article (drivers' licenses).~~

18 ~~13-406.2.~~

19 ~~BEFORE THE REGISTRATION OF A VEHICLE MAY BE RENEWED UNDER THIS~~
 20 ~~TITLE, THE ADMINISTRATION SHALL VERIFY THROUGH THE OFFICE OF THE~~
 21 ~~COMPTROLLER THAT THE OWNER OF THE VEHICLE HAS PAID ALL UNDISPUTED~~
 22 ~~TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE~~
 23 ~~COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR~~
 24 ~~THAT THE OWNER HAS PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO~~
 25 ~~THE UNIT RESPONSIBLE FOR COLLECTION.~~

26 ~~SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
 27 ~~read as follows:~~

28 ~~**Article 83B - Department of Housing and Community Development**~~

29 ~~5-801.~~

30 ~~(b) (7) (I) THE DIRECTOR SHALL ADOPT REGULATIONS TO CHARGE A~~
 31 ~~REASONABLE FEE TO CERTIFY HERITAGE STRUCTURES AND REHABILITATIONS~~
 32 ~~UNDER THIS SECTION;~~

33 ~~(II) A FEE CHARGED UNDER THIS PARAGRAPH SHALL APPLY ONLY~~
 34 ~~TO A CERTIFICATION FOR A COMMERCIAL REHABILITATION THAT IS AWARDED AN~~
 35 ~~INITIAL CREDIT CERTIFICATE UNDER THIS SECTION FOR A FISCAL YEAR THAT~~
 36 ~~BEGINS ON OR AFTER JULY 1, 2005.~~

1 (iii) except as provided in paragraph (2) of this subsection AND
 2 SUBSECTION (C) OF THIS SECTION, may include any other benefit option that the
 3 Secretary considers appropriate.

4 (2) The Program may not contain any of the benefits provided under
 5 Division II or Title 35 or Title 37 of this article.

6 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN
 7 FISCAL YEARS 2006 AND 2007, THE PROGRAM SHALL PROVIDE THE SAME HEALTH
 8 INSURANCE BENEFITS OPTIONS, PRESCRIPTION DRUG BENEFIT OPTIONS,
 9 CO-PREMIUMS AND CO-PAYMENTS TO EMPLOYEES AND RETIREES AND THEIR
 10 DEPENDENTS AS PROVIDED ON JANUARY 1, 2005.

11 (2) IN FISCAL YEARS 2006 AND 2007:

12 (I) THE EMPLOYEE OR RETIREE SHARE OF THE PREMIUM FOR THE
 13 EMPLOYEE OR RETIREE AND THEIR DEPENDENTS FOR THE POINT OF SERVICE
 14 HEALTH PLAN MAY INCREASE TO 17%;

15 (II) THE PROGRAM MAY INCLUDE DISEASE MANAGEMENT
 16 PROGRAMS;

17 (III) THE PRESCRIPTION DRUG BENEFIT PLAN SHALL OFFER A
 18 VOLUNTARY MAIL ORDER OPTION AND THE PRESCRIPTION DRUG BENEFIT PLAN
 19 MAY CHARGE ENROLLEES THE FOLLOWING CO-PAYMENTS FOR PRESCRIPTION
 20 DRUGS:

21 1. \$5 FOR GENERIC DRUGS;

22 2. \$15 FOR PREFERRED DRUGS ON THE STATE FORMULARY;
 23 AND

24 3. \$25 FOR DRUGS THAT ARE NOT PREFERRED DRUGS ON
 25 THE STATE FORMULARY.;

26 (IV) (IV) THE PRESCRIPTION DRUG BENEFIT PLAN MAY CHARGE A
 27 CO-PAYMENT AS PROVIDED IN ITEM (H) (III) OF THIS SUBSECTION FOR EACH 45 DAY
 28 PRESCRIPTION.;

29 (V) (V) FOR EACH FISCAL YEAR, THE TOTAL AMOUNT OF
 30 CO-PAYMENTS CHARGED THE EMPLOYEE OR RETIREE AND THEIR DEPENDENTS AS
 31 PROVIDED IN ITEM (H) (III) OF THIS SUBSECTION MAY NOT EXCEED \$700; AND

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

34 1. IMPLEMENTATION OF A STEP THERAPY PROGRAM TO
 35 ASSURE THAT LOWER COST ALTERNATIVES ARE USED FIRST;

36 2. CHANGES IN THE PHARMACY NETWORK;

1 and a joint resolution of affirmation is not enacted by the General Assembly, then the
 2 annual per pupil foundation amount in which the State shall share for the next fiscal
 3 year shall be the lesser of the annual per pupil foundation amount for the fiscal year
 4 or an amount equal to 108 percent of the prior year's annual per pupil foundation
 5 amount.

6 (3) By January 14 of each year, the Department of Legislative Services
 7 shall calculate State aid as a percentage of the projected State General Fund
 8 revenues for the current fiscal year. State aid shall include State funds provided to
 9 the county boards whether pursuant to formula or on a grant basis and State
 10 payments on behalf of the county boards such as retirement and debt service for State
 11 bonds for school construction.]

12 *SECTION 9. AND BE IT FURTHER ENACTED, That the Laws of Maryland*
 13 *read as follows:*

14 *Article - State Government*

15 *9-117.*

16 (a) (1) *During a calendar year, a licensed agent shall receive regular*
 17 *commissions of [5%] 5.5% of the licensed agent's gross receipts from ticket sales made*
 18 *during that year.*

19 (2) *A licensed agent may further receive a cashing fee not to exceed 3% of*
 20 *valid prizes paid for services rendered in cashing winning tickets.*

21 (b) (1) *The Commission may authorize the payment of special bonuses or*
 22 *incentives to licensed agents and their employees.*

23 (2) *The total of the bonuses and incentives may not exceed one-half of 1%*
 24 *of the gross receipts from ticket sales for the year for which the bonuses or incentives*
 25 *are awarded.*

26 (3) *Lottery sales agents may not offer patrons inducements of alcoholic*
 27 *beverages to purchase or redeem lottery tickets.*

28 (c) *Unless otherwise expressly provided by a lease for premises on which lottery*
 29 *tickets are sold, whenever lottery tickets are sold by a licensed agent on premises*
 30 *subject to rent that is wholly or partially based on a percentage of gross sales or*
 31 *receipts, the tenant responsible for payment of the rent may calculate that portion of*
 32 *the rent arising from the sale of lottery tickets solely on the basis of:*

33 (1) *the commission received by the licensed agent on the sale of those*
 34 *tickets; and*

35 (2) *in the case of instant lottery tickets, the difference between the price*
 36 *paid by the licensed agent in purchasing the tickets from the Agency and the price for*
 37 *which they were sold by the agent.*

1 SECTION 9- 10. AND BE IT FURTHER ENACTED, That Section(s) 8-301
2 through 8-305, inclusive, and the subtitle "Subtitle 3. Law Enforcement and
3 Correctional Training Fund" of Article - Correctional Services of the Annotated Code
4 of Maryland be repealed.

5 SECTION 40- 11. AND BE IT FURTHER ENACTED, That, notwithstanding
6 § 7-301 of the Courts and Judicial Proceedings Article, as enacted by Section 1 of this
7 Act, for fiscal year 2006 the Comptroller shall pay into the Law Enforcement and
8 Correctional Training Fund one-third of all court costs collected by the District Court
9 under § 7-301(a) and (b)(1) of the Courts and Judicial Proceedings Article. Any
10 balance remaining in the Law Enforcement and Correctional Training Fund at the
11 end of June 30, 2006, shall be transferred to the General Fund of the State.

12 SECTION 44- 12. AND BE IT FURTHER ENACTED, That, notwithstanding §
13 16-317 of the Education Article, Chapter 430 of the Acts of 2004, Chapter 440 of the
14 Acts of 2002, as amended by Chapter 203 of the Acts of 2003, or any other provision of
15 law, the portion of fiscal year 2002 and 2003 payments required to eligible
16 institutions under § 16-317 of the Education Article for private technology donation
17 incentives that are not funded in the fiscal year 2006 budget shall be deferred until
18 fiscal year 2007.

19 SECTION 42- 13. AND BE IT FURTHER ENACTED, That, notwithstanding §
20 13-1115 of the Health - General Article, for fiscal year 2006 only the amount of each
21 Statewide Academic Health Center Public Health Grant distributed to the University
22 of Maryland Medical Group or the Johns Hopkins Institutions, respectively, shall be
23 \$1,218,000.

24 SECTION 43- 14. AND BE IT FURTHER ENACTED, That, notwithstanding
25 the provisions of § 19-206 of the Health Occupations Article or any other provision of
26 law, for fiscal year 2006, the State Board of Social Work Examiners Fund may be used
27 for the costs of the social worker training academy within the Department of Human
28 Resources.

29 SECTION 44- 15. AND BE IT FURTHER ENACTED, That, notwithstanding §
30 7-317 of the State Finance and Procurement Article or any other provision of law, for
31 fiscal 2005 and fiscal 2006 only, funds may be transferred by budget amendment from
32 the Cigarette Restitution Fund in the following amounts for the purposes specified:

33 (a) Up only, up to \$1,000,000 may be transferred by budget amendment from
34 the Cigarette Restitution Fund and appropriated in fiscal 2005 to conduct the
35 comprehensive evaluation of the Cigarette Restitution Fund Program required by
36 Section 9 of Chapter 17 of the Acts of 2000, as amended by Chapter 430 of the Acts of
37 2004; and

38 (b) Up to \$7,700,000 of funds not appropriated in the fiscal 2006 budget bill
39 may be appropriated in fiscal 2006 for grants to the University of Maryland Medical
40 Group and the Johns Hopkins Institutions in accordance with § 13-1114 of the Health
41 General Article.

1 SECTION 16. AND BE IT FURTHER ENACTED, That, contingent on the
2 appropriation by approved budget amendment of the amount provided in Section 15 of
3 this Act, and notwithstanding § 7-317 of the State Finance and Procurement Article or
4 any other provision of law, for fiscal 2006 only, funds may be appropriated and
5 transferred by budget amendment from unexpended revenues and balances of the
6 Cigarette Restitution Fund in the following amounts for the purposes specified:

7 (a) Contingent on the Cigarette Restitution Funds available for expenditure in
8 fiscal 2006 exceeding \$122,738,000, \$3,500,000 to the Maryland State Department of
9 Education for Challenge Grants to be provided to all of the eligible schools that
10 received grants in fiscal 2005, in proportion to the grants received in fiscal 2005.

11 (b) Contingent on the Cigarette Restitution Funds available for expenditure in
12 fiscal 2006 exceeding \$126,238,000 and the approval of a budget amendment
13 appropriating the amount for the purpose specified in subsection (a) of this section,
14 \$6,700,000 for grants to the University of Maryland Medical Group and the Johns
15 Hopkins Institutions authorized under § 13-1114 of the Health - General Article, in
16 proportion to the grants received in fiscal 2005.

17 (c) Contingent on the Cigarette Restitution Funds available for expenditure in
18 fiscal 2006 exceeding \$132,938,000 and the approval of a budget amendment
19 appropriating the amount for the purpose specified in subsection (b) of this section,
20 \$1,200,000 to the State Department of Education, to be distributed as Literacy Works
21 Grants in order to reduce the waiting list for adult education and literacy services.

22 (d) Contingent on Chapter (S.B. 586) of the Acts of the General Assembly of
23 2005 taking effect, the Cigarette Restitution Funds available for expenditure in fiscal
24 2006 exceeding \$134,138,000, and the approval of a budget amendment appropriating
25 the amount for the purpose specified in subsection (c) of this section, \$150,000 to the
26 Department of Labor, Licensing, and Regulation for the Maryland Summer Youth
27 Connection Program.

28 (e) Contingent on the Cigarette Restitution Funds available for expenditure in
29 fiscal 2006 exceeding \$134,288,000, and contingent on the approval of a budget
30 amendment appropriating the amount for the purpose specified in subsection (d) of
31 this section, if Chapter (S.B. 586) of the Acts of the General Assembly of 2005 is
32 enacted, or on the approval of a budget amendment appropriating the amount
33 specified in subsection (c) of this section, if Chapter (S.B. 586) is not enacted,
34 \$847,000 to the State Department of Education for the funding of family support
35 centers.

36 (f) Contingent on the Cigarette Restitution Funds available for expenditure in
37 fiscal 2006 exceeding \$135,135,000 and the approval of a budget amendment
38 appropriating the amount for the purpose specified in subsection (e) of this section,
39 \$1,000,000 to the State Department of Education for the purchase of textbooks and
40 computer hardware and software for nonpublic schools to be expended in accordance
41 with the requirements of R00A03.04 Aid to Non-Public Schools in the budget bill.

1 SECTION 17. AND BE IT FURTHER ENACTED, That the Governor shall
2 include \$3,788,827 in the budget bill for fiscal year 2007 for the Challenge Grant
3 Program in the Maryland State Department of Education (R00A02.54) to provide
4 grants to eligible schools in the same amounts that were provided in fiscal year 2005.

5 SECTION ~~15~~. 18. AND BE IT FURTHER ENACTED, That, notwithstanding
6 the provisions of Chapter 429 of the Acts of 2004 or any other provision of law, the
7 Governor may authorize the use of certain appropriations for the Charles H. Hickey,
8 Jr. School:

9 (a) for the State operation of the facility; and

10 (b) to the extent the appropriations are not needed for the State operation of
11 the facility, for general fund payables of the Department of Juvenile Services reported
12 to the General Accounting Division at fiscal year 2004 closeout and for anticipated
13 deficits in the Department's residential per diem program in fiscal year 2005.

14 SECTION ~~16~~. 19. AND BE IT FURTHER ENACTED, That, notwithstanding
15 any other provision of law, the proceeds and accumulated interest from the
16 demutualization of the MetLife Insurance Company received by the State as the
17 policyholder of the MetLife group term life policy, in the amount of approximately
18 \$13,667,896, plus interest that accrues from December 1, 2004, through the effective
19 date of this Act, shall be used to pay expenses in connection with the State Employee
20 and Retiree Health and Welfare Benefits Program as provided in the fiscal year 2006
21 budget.

22 SECTION 17. AND BE IT FURTHER ENACTED, That it is the intent of the
23 General Assembly that the additional revenues provided for fiscal 2006 for payment
24 of debt service under § 13-209(c)(1)(iv) and (f)(1)(ii) of the Tax Property Article, as
25 enacted by Section 1 of this Act, be used to reduce the State property tax rate for real
26 property other than operating property of a public utility for the tax year beginning
27 July 1, 2005, to 8.4 cents per \$100 of assessed value.

28 SECTION 20. AND BE IT FURTHER ENACTED, That, to the extent it is
29 fiscally prudent, the General Assembly will consider a reduction in the State property
30 tax rate for fiscal year 2007.

31 SECTION ~~18~~. 21. AND BE IT FURTHER ENACTED, That, notwithstanding
32 anything to the contrary in § 8-403 of the Transportation Article or any other
33 provision of State law, for fiscal year 2006, only:

34 (a) (1) The amount to be distributed under § 8-403(b) of the Transportation
35 Article shall be reduced by ~~\$45,000,000~~ \$48,500,000 for fiscal year 2006 and that
36 amount shall be distributed to the General Fund; and

37 (2) Except as provided in subsection (b) of this section, the amount to be
38 distributed to Baltimore City under § 8-403(a) of the Transportation Article shall be
39 limited to ~~\$217,406,748~~ \$216,468,853 in fiscal year 2006.

1 (b) For fiscal year 2006 only, if the total highway user revenues as defined
 2 under § 8-401 of the Transportation Article exceed ~~\$1,848,218,347~~ \$1,846,276,347,
 3 the amount to be distributed to Baltimore City under § 8-403(a) of the Transportation
 4 Article shall be limited to the sum of:

5 (1) ~~\$217,406,748~~ \$216,468,853; and

6 (2) 12.25% of the total highway user revenues in excess of
 7 ~~\$1,848,218,347~~ \$1,846,276,347.

8 ~~SECTION 19. AND BE IT FURTHER ENACTED, That, in addition to the~~
 9 ~~distribution of revenues to Baltimore City and the 23 local jurisdictions under Title 8,~~
 10 ~~Subtitle 4 of the Transportation Article, each jurisdiction shall receive the following~~
 11 ~~one-time grant allocation as provided for in the fiscal year 2006 budget for the~~
 12 ~~purpose of transportation related capital improvements with a 15-year useful life~~
 13 ~~and a cost of at least \$100,000:~~

14	Allegany	\$416,356
15	Anne Arundel	1,765,594
16	Baltimore City	4,500,000
17	Baltimore	2,388,652
18	Calvert	354,434
19	Caroline	280,548
20	Carroll	793,431
21	Cecil	436,891
22	Charles	541,254
23	Dorchester	313,670
24	Frederick	1,034,262
25	Garrett	356,438
26	Harford	900,802
27	Howard	869,591
28	Kent	161,256
29	Montgomery	2,508,637
30	Prince George's	2,143,023
31	Queen Anne's	317,086
32	St. Mary's	420,271
33	Somerset	187,368
34	Talbot	255,187
35	Washington	662,397
36	Wicomico	506,284
37	Worcester	386,568

38 ~~SECTION 20-22. AND BE IT FURTHER ENACTED, That the unexpended~~
 39 ~~appropriation for the following purpose that was included in the fiscal year 2005~~
 40 ~~operating budget (Chapter 429 of the Acts of the General Assembly of 2004) is reduced~~
 41 ~~by the amount indicated below and is hereby retained in the Transportation Trust~~
 42 ~~Fund:~~

				Amount of Reduction
Fiscal Year	Program	Entitled	Special Funds	
2005	J00A04.01	Debt Service Requirements		\$21,911,313

~~SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding § 13-209(f) of the Tax Property Article or any other provision of law, if the actual transfer tax revenue collections for fiscal 2005 exceed the fiscal 2005 budget estimate of \$132,797,000:~~

~~(a) The first \$1,500,000 of the excess over \$132,797,000 shall be distributed to Baltimore City to be used for park operations in accordance with § 5-903(a)(2)(ii) of the Natural Resources Article. A distribution to Baltimore City under this section shall be implemented by budget amendment in fiscal 2006.~~

~~(b) After the distribution under paragraph (1) of this section, the next \$60,000,000 of the excess over \$132,797,000 shall be allocated for use in fiscal 2006 for Program Open Space, the Agricultural Land Preservation Fund, the Rural Legacy Program, and the Heritage Conservation Fund. Funds made available for these programs under this section shall be appropriated by budget amendment for use in fiscal 2006 and shall be allocated as provided in § 13-209(d) of the Tax Property Article.~~

~~SECTION 23. 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.~~

~~SECTION 22, 24. AND BE IT FURTHER ENACTED, That employees of the Maryland Institute for Policy Analysis and Research may elect to be appointed to positions in the State Personnel Management System created by the Board of Public Works during fiscal year 2006. An employee who elects to be appointed shall be placed in a comparable classification in the State Personnel Management System without further examination or qualification and with a salary level closest to but not greater than the salary under the Maryland Institute for Policy Analysis and Research contract. Employees shall be appointed without prior service credit and shall serve a probationary period in accordance with § 7-402 of the State Personnel and Pensions Article.~~

~~SECTION 23, 25. AND BE IT FURTHER ENACTED, That, notwithstanding § 5-903(g)(2)(iii) of the Natural Resources Article or any other provision of law, for fiscal year 2006 only, up to \$2,500,000 of the State's share of funds under Program Open Space available for capital improvements may be used to operate State forests and parks.~~

~~SECTION 24, 26. AND BE IT FURTHER ENACTED, That, notwithstanding § 7-311(i) of the State Finance and Procurement Article or any other provision of law, for fiscal year 2006 only and only as provided in the budget bill, funds may be transferred from the Revenue Stabilization Account established under § 7-311 of the~~

1 State Finance and Procurement Article by budget amendment and may be used for
 2 fiscal 2006 for the purposes specified in the budget bill.

3 SECTION 27. AND BE IT FURTHER ENACTED, That:

4 (a) (1) Notwithstanding any other provision of law, and except as provided in
 5 paragraph (2) of this subsection, in fiscal year 2007 the Maryland Department of
 6 Aging shall allocate federal grants to local agencies under titles IIIB, IIIC1, IIIC2, and
 7 IIIE of the Older Americans Act based on formulas in effect on January 1, 2004.

8 (2) The Title IIIE formula for the Family Caregiver Program may be
 9 changed to reflect an increase in age criteria.

10 (b) The Governor shall include in the budget bill for fiscal year 2007 a general
 11 fund appropriation in an amount not less than \$442,210 to the Maryland Department
 12 of Aging to supplement federal grants to local agencies under titles IIIB, IIIC1, IIIC2,
 13 and IIIE of the Older Americans Act.

14 (c) In fiscal year 2007, these funds shall be allocated to the local Area Agencies
 15 on Aging in the following manner:

16 Allegany \$ 88,910

17 Baltimore City \$ 52,770

18 Cecil \$ 998

19 MAC, Inc. (Dorchester, Somerset, Wicomico,

20 and Worcester) \$199,734

21 Queen Anne's \$ 14,850

22 Upper Shore Aging, Inc. (Caroline, Kent,

23 and Talbot) \$ 50,898

24 Washington \$ 34,050

25 SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding §
 26 9-120 of the State Government Article or any other provision of law:

27 (a) After cumulative distributions of revenues from the State lottery for fiscal
 28 year 2005 to the General Fund under § 9-120(b)(1)(ii) of the State Government Article
 29 total \$442,406,173, up to \$3,788,827 of the remaining revenue that would otherwise
 30 be paid to the General Fund under § 9-120(b)(1)(ii) of the State Government Article
 31 shall be distributed to a special fund, to be used only to provide Challenge Grants to
 32 low performing schools to improve student achievement and teaching skills in
 33 eligible schools through the Maryland State Department of Education Challenge
 34 Grant Program (budget code R00A02.54).

1 ~~(b) If lottery revenues do not provide the \$3,788,827 for the purposes specified~~
 2 ~~in subsection (a) of this section, the Governor shall request a deficiency appropriation~~
 3 ~~during the 2006 Session to make up the difference.~~

4 ~~(c) The Governor shall include an appropriation of \$3,788,827 in the fiscal~~
 5 ~~year 2007 budget bill for grants under the Challenge Grant Program in the amounts~~
 6 ~~specified in subsection (d) of this section, in addition to any deficiency appropriation~~
 7 ~~requested under subsection (b) of this section.~~

8 ~~(d) The amount credited to the special fund created under subsection (a) of~~
 9 ~~this section shall be used to provide Challenge Grants to eligible schools that received~~
 10 ~~funding in fiscal year 2005 in the following counties and amounts as follows:~~

- 11 ~~(1) Allegany County — \$139,524~~
- 12 ~~(2) Anne Arundel County — \$876,213~~
- 13 ~~(3) Baltimore County — \$83,715~~
- 14 ~~(4) Caroline County — \$320,906~~
- 15 ~~(5) Charles County — \$160,174~~
- 16 ~~(6) Dorchester County — \$145,009~~
- 17 ~~(7) Montgomery County — \$669,717~~
- 18 ~~(8) Prince George's County — \$1,233,395~~
- 19 ~~(9) Washington County — \$160,174~~

20 ~~(e) The amount provided in subsection (d)(2) of this section includes \$588,097~~
 21 ~~for the Annapolis feeder schools, the same amount that was provided to the Annapolis~~
 22 ~~feeder schools in fiscal year 2005.~~

23 ~~(f) To the extent that lottery revenues do not provide the full amount specified~~
 24 ~~in subsection (a) of this section, available funds shall be distributed in proportion to~~
 25 ~~the allocations provided in subsections (d) and (e) of this section.~~

26 ~~Article — Tax — General~~

27 ~~9-303.~~

28 ~~(a) The motor fuel tax does not apply to motor fuel that is exported or sold for~~
 29 ~~exportation from this State.~~

30 ~~(b) The motor fuel tax does not apply to special fuel:~~

31 ~~(1) containing dye and sold for uses other than in a licensed motor~~
 32 ~~vehicle;~~

- 1 (2) delivered into a tank used only for heating; or
- 2 (3) used for any purpose other than propelling a motor vehicle or
3 turbine powered aircraft.
- 4 (e) The motor fuel tax does not apply to aviation fuel that is bought for use by:
- 5 (1) a carrier engaged in the common carriage of individuals or property
6 under Parts 121, 127, and 129 of the Federal Aviation Regulations;
- 7 (2) an operator under Part 135 of the Federal Aviation Regulations if at
8 least 70% of the aviation fuel is used in the common carriage of individuals or
9 property;
- 10 (3) the State;
- 11 (4) a political subdivision of the State;
- 12 (5) a unit or instrumentality of the United States government; or
- 13 (6) a foreign government.

14 (D) ~~THE MOTOR FUEL TAX DOES NOT APPLY TO MOTOR FUEL THAT IS BOUGHT~~
15 ~~BY THE DEPARTMENT OF GENERAL SERVICES FOR USE BY STATE AGENCIES.~~

16 SECTION 28. AND BE IT FURTHER ENACTED, That, notwithstanding any
17 other provision of law, \$90,751,833 of the appropriation contained in the State budget
18 for the fiscal year ending June 30, 2005, program N00G00.09, Purchase of Child Care,
19 shall be used solely for the purpose appropriated and may not be transferred to any
20 other program or purpose.

21 SECTION 29. AND BE IT FURTHER ENACTED, That it is the intent of the
22 General Assembly that legislation shall be passed in the 2006 legislative session that
23 provides for a phase-out and repeal of the Maryland-mined coal tax credit.

24 SECTION 26. AND BE IT FURTHER ENACTED, That if the total
25 Transportation Trust Fund revenues from all sources for fiscal year 2005 exceed
26 \$2,063,000,000, the Governor may by budget amendment in fiscal 2006 appropriate
27 \$12,200,000 of the amount that exceeds \$2,063,000,000 to the Community Safety
28 Enhancement Program in the State Highway Administration.

29 SECTION 30. AND BE IT FURTHER ENACTED, That it is the intent of the
30 General Assembly that the most accurate full-time equivalent enrollment figures be
31 used in calculating the State general funds per full-time equivalent student for
32 determining State aid under the Senator John A. Cade Funding Formula, the Joseph
33 A. Sellinger Program, and the Baltimore City Community College Funding Formula.
34 The Maryland Higher Education Commission shall study the accuracy of the
35 enrollment figures used presently and any alternatives that would improve accuracy
36 and report the results of the study and recommendations to the Senate Budget and
37 Taxation Committee, the House Committee on Appropriations, and the House

1 Committee on Ways and Means, in accordance with § 2-1246 of the State Government
2 Article, by October 1, 2005.

3 SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding §
4 7-402(c) of the Transportation Article or any other provision of law, during calendar
5 year 2005 only, the Department of Transportation may process a budget amendment
6 for the expenditure of an amount not to exceed \$1,000,000 in federal funds for the
7 purpose of completing a final environmental impact statement on a magnetic levitation
8 transportation (MAGLEV) system. No additional federal funds may be expended for
9 any other purpose related to the study, development, or construction of a MAGLEV
10 system.

11 SECTION 32. AND BE IT FURTHER ENACTED, That, notwithstanding any
12 other provision of law, before submitting regulations to the Joint Committee on
13 Administrative, Executive, and Legislative Review to alter managed care organization
14 capitation payments to reflect the across-the-board payment reduction assumed in the
15 fiscal 2006 budget, the Department of Health and Mental Hygiene shall submit an
16 actuarial certification of the sufficiency of the revised rates to the Senate Budget and
17 Taxation Committee and the House Appropriations Committee, in accordance with §
18 2-1246 of the State Government Article.

19 SECTION 33. AND BE IT FURTHER ENACTED, That:

20 (a) The Department of Health and Mental Hygiene shall, in consultation with
21 the Department of Legislative Services, the Maryland Hospital Association, the
22 academic health centers, the Health Services Cost Review Commission, and the
23 Medicaid managed care organizations (MCOs), study the impact of using academic
24 health centers on the HealthChoice program.

25 (b) The study shall:

26 (1) determine whether there are financial disincentives regarding use of
27 academic health centers or their affiliated hospital-based clinics;

28 (2) examine whether the State should continue to assure access to
29 academic health center clinics; and

30 (3) consider the current relationships between MCOs and the academic
31 health centers and their affiliates.

32 (c) On or before July 1, 2005, the Department shall report to the Governor and,
33 in accordance with § 2-1246 of the State Government Article, the Senate Budget and
34 Taxation Committee, the Senate Finance Committee, the House Appropriations
35 Committee, and the House Health and Government Operations Committee on its
36 findings and recommendations.

37 (d) The report should include:

38 (1) an analysis of the potential implications of implementing a
39 reimbursement methodology for hospital-based clinics affiliated with academic health

1 centers and rate-regulated by the Health Services Cost Review Commission similar to
 2 that used for federally qualified health centers;

3 (2) recommendations for any indicated regulatory or legislative changes
 4 impacting MCO rates for calendar year 2006; and

5 (3) options, if indicated, to assist the academic health centers outside of
 6 the MCO rate setting process.

7 (e) It is the intent of the General Assembly that the Health Services Cost
 8 Review Commission shall consider the findings and recommendations of the report
 9 prior to making any determinations regarding managed care organizations.

10 SECTION 34. AND BE IT FURTHER ENACTED, That:

11 (a) The General Assembly finds that:

12 (1) an enhancement to the retirement benefits of public school teachers
 13 would assist the State and local governments in achieving the requirement for a highly
 14 qualified teacher in every classroom under No Child Left Behind; and

15 (2) an enhancement to the retirement benefits of State employees is a
 16 necessary requirement to maintain a high quality workforce.

17 (b) During the 2005 legislative interim, the Joint Committee on Pensions shall
 18 study options to enhance retirement benefits for teachers and State employees and
 19 shall develop legislation to provide an enhancement for introduction in the 2006
 20 Session of the Maryland General Assembly.

21 SECTION 35. AND BE IT FURTHER ENACTED, That, notwithstanding
 22 Article 83B, § 5-801(a)(9)(iii) of the Code, as enacted by Chapter 541 of the Acts of the
 23 General Assembly of 2002 and as in effect on June 1, 2002, if an application for
 24 approval of a plan of proposed rehabilitation for a commercial rehabilitation, as
 25 defined in Article 83B, § 5-801 of the Code, was submitted to the Director of the
 26 Maryland Historical Trust before June 1, 2002, the qualified rehabilitation
 27 expenditures for the commercial rehabilitation on which the heritage structure
 28 rehabilitation tax credit under Article 83B, § 5-801 of the Code is based may exceed
 29 the estimated amount of proposed rehabilitation expenditures stated in the application
 30 for approval of the plan of proposed rehabilitation; provided, however, that the amount
 31 of the credit allowed for any commercial rehabilitation that is subject to this section
 32 may not exceed the credit that would otherwise be allowed by more than \$250,000.

33 SECTION ~~2, 26, 27, 36.~~ AND BE IT FURTHER ENACTED, That if any
 34 provision of this Act or the application thereof to any person or circumstance is held
 35 invalid for any reason in a court of competent jurisdiction, the invalidity does not
 36 affect other provisions or any other application of this Act which can be given effect
 37 without the invalid provision or application, and for this purpose the provisions of this
 38 Act are declared severable.

1 SECTION 27, 28, 37. AND BE IT FURTHER ENACTED, That, except as
2 otherwise provided in this section, Sections 1 through 3 4 of this Act shall take effect
3 July 1, 2005. Section 8-131(g) of the State Finance and Procurement Article, as
4 enacted by Section 1 of this Act, shall take effect June 1, 2005.

5 SECTION 38. AND BE IT FURTHER ENACTED, That the Department of
6 Health and Mental Hygiene shall apply to the federal Department of Health and
7 Human Services for any waivers required under 42 CFR § 433.68 to effect the changes
8 to § 19-727 of the Health - General Article and §§ 6-101 and 6-121 of the Insurance
9 Article, as enacted by Section 1 of this Act. The Department of Health and Mental
10 Hygiene, within 5 days after receiving the decision of the Department of Health and
11 Human Services, shall forward a copy of the decision to the Department of Legislative
12 Services, 90 State Circle, Annapolis, Maryland 21401. If a waiver is not approved, the
13 changes to § 19-727 of the Health - General Article and §§ 6-101 and 6-121 of the
14 Insurance Article, as enacted by Section 1 of this Act, shall be null and void without
15 the necessity of any further action by the General Assembly.

16 SECTION 39. AND BE IT FURTHER ENACTED, That the exemption from
17 the insurance premium tax for nonprofit health maintenance organizations under §
18 6-101(b)(7) of the Insurance Article, as enacted by Section 1 of this Act, shall be
19 applicable to all subscription charges or other amounts paid to a nonprofit health
20 maintenance organization on or after January 1, 2005. Notwithstanding any other
21 provision of law, on or before August 1, 2005, the Maryland Insurance Commissioner
22 shall refund any premium tax paid before July 1, 2005, by a nonprofit health
23 maintenance organization that is exempt from the premium tax under § 6-101(b)(7) of
24 the Insurance Article, as enacted by Section 1 of this Act.

25 SECTION 28, 29, 40. AND BE IT FURTHER ENACTED, That Section 2 of
26 this Act shall be applicable to all taxable years beginning after December 31, 2004.

27 SECTION 41. AND BE IT FURTHER ENACTED, That Section 4 of this Act
28 shall remain effective for a period of 2 years and, at the end of June 30, 2007, with no
29 further action required by the General Assembly, Section 4 of this Act shall be
30 abrogated and of no further force and effect.

31 SECTION 29, 30. AND BE IT FURTHER ENACTED, That Section 4 of this
32 Act shall take effect October 1, 2005.

33 SECTION 30, 31, 42. AND BE IT FURTHER ENACTED, That Section 6 of
34 this Act shall take effect on the taking effect of Chapter _____ (H.B. 11) of the Acts of
35 the General Assembly of 2005. If Section 6 of this Act takes effect, Section 5 of this Act
36 shall be abrogated and of no further force and effect.

37 SECTION 31, 32, 43. AND BE IT FURTHER ENACTED, That Section 7 of
38 this Act shall take effect immediately upon enactment, pursuant to Article III, § 31 of
39 the Maryland Constitution. Section 7 shall remain effective until the end of June 30,
40 2007, and, at the end of June 30, 2007, with no further action required by the General
41 Assembly, Section 7 of this Act shall be abrogated and of no further force and effect.

1 SECTION ~~32, 33, 44.~~ AND BE IT FURTHER ENACTED, That Section 8 of
2 this Act shall take effect immediately upon enactment, pursuant to Article III, § 31 of
3 the Maryland Constitution.

4 SECTION ~~33, 34, 45.~~ AND BE IT FURTHER ENACTED, That Section 9
5 Sections 9 and 10 of this Act shall take effect July 1, 2006.

6 SECTION ~~3, 34, 35, 46.~~ AND BE IT FURTHER ENACTED, That, except as
7 provided in Sections 27 through 33 28 through 34 37 through 45 of this Act, this Act
8 shall take effect June 1, 2005.