

AMENDMENTS TO HOUSE BILL 352 / SENATE BILL 321  
(First Reading File Bill)

AMENDMENT NO. 1

On pages 24 through 26, strike in their entirety the lines beginning with line 29 on page 24 through line 3 on page 26, inclusive.

*Removes language repealing the St. Mary's College of Maryland funding formula.*

## AMENDMENT NO. 2

On page 43, after line 13 insert:

### **ARTICLE - ESTATES AND TRUSTS**

2-205

(b) (1) Each register is entitled to receive an annual salary of not more than \$146,500, to be determined in each instance by the Board of Public Works.

(2) In determining the annual salary of the register, the Board of Public Works shall be guided in the exercise of its discretion by:

(i) The population of the county determined by the last official United States census;

(ii) [The dollar volume of total fees and taxes collected and excess fees turned over to the State for each of the preceding 5 years by the office of the register for which the salary is being fixed; and

(iii)] Other pertinent data which have relation to the reasonableness of the salary in relation to the work done and volume handled by the office.

(e) [(1) (i)] If the fees and receipts of the office are insufficient in any fiscal year to pay all or a part of the expenses of the office and authorized salary of a register, the deficiency shall be funded from the [taxes remitted to the Comptroller by the register during that fiscal year]

#### **ESTATE TAX.**

[(ii) Written authority for the transfer of funds shall be first obtained from the Comptroller.

(2) In the event that tax collections for the fiscal year are insufficient, the Comptroller shall make up the deficit from excess fees remitted from all other registers.]

2-206

(n) [For receiving and paying over an inheritance tax due the State, the register is allowed a commission of 25% of the inheritance tax.

(o)] For all proceedings involving a foreign personal representative, a single fee of 1% of the gross value of the estate.

[(p)] (O) For a copy of a recording of a hearing before an orphan's court \$25

[(q)] (P) For the actual cost charged by the financial institution of a check returned for insufficient funds or other reason.

[(r)] (Q) For the actual cost of all certified mailings, registered mailings, or other method of process except first-class mail.

On page 100, after line 6 insert:

2-801

The Comptroller shall distribute the Maryland estate revenue [to the General Fund of the State]  
**AS FOLLOWS:**

**(A) IN FISCAL YEAR 2026, THE FIRST \$14 MILLION TO REGISTERS OF WILLS, TO BE ALLOCATED IN A MANNER AND FORM AS PRESCRIBED BY THE COMPTROLLER;**

**(B) IN FISCAL YEAR 2027 AND SUBSEQUENT FISCAL YEARS, THE FIRST \$26 MILLION TO REGISTERS OF WILLS, TO BE ALLOCATED IN A MANNER AND FORM AS PRESCRIBED BY THE COMPTROLLER; AND**

**(C) THE REMAINDER TO THE GENERAL FUND OF THE STATE,**

*Establishes a new funding mechanism to support the operational expenses of the Registers of Wills and proposes conforming amendments for the repeal of the Inheritance Tax. Adjustments in funding for the Registers of Wills will be supported through the Estate Tax and Excess Fee of Office statute (Estates & Trusts, Section 2-207).*

### AMENDMENT NO. 3

On page 45, after line 20, insert:

10–1203

(c) To assure the continuing provision of appropriate services, the Director shall:

(1) Annually review and may approve the core service agencies', local addictions authorities', or local behavioral health authorities' program plan;

(2) In conjunction with the appropriate authorities, establish and maintain a funding mechanism for the core service agencies, local addictions authorities, or local behavioral health authorities which may include the allocation of funds for inpatient services;

(3) Develop a mechanism whereby any unexpended funds remaining at the end of the year [shall] **MAY** remain with the core service agencies, local addictions authorities, or local behavioral health authorities or the community providers;

(4) Establish procedures to facilitate intraagency and interagency linkages at State and local levels with the core service agencies, local addictions authorities, or local behavioral health authorities; and

(5) Establish procedures within the Behavioral Health Administration for a process regarding program, policy, or contract disputes that gives all community mental health and substance-related disorder programs regulated by the Administration the right to:

(i) Access the mediation process established by the Administration; and

(ii) If dissatisfied with the outcome of the mediation by the Administration, request a hearing with the Office of Administrative Hearings in accordance with Title 10, Subtitle 2 of the State Government Article.

*Clarifies that certain local behavioral health funding may revert at the end of a fiscal year.*

AMENDMENT NO. 4

On page 46, In line 22 strike “Card” from line 22 and insert “**CARE**”;

On page 47, in line 5, after “administered” insert “**ON A ONE-TIME BASIS, THROUGH A UNIFORM AND BROAD-BASED ASSESSMENT.**”; and

On page 47, in line 6 before “Review” insert “**COST**”.

*Corrects a typographical error and clarifies the type of assessment authorized.*

AMENDMENT NO. 5

On page 48, after line 9 insert:

**ARTICLE – HEALTH - OCCUPATIONS**

8-206

(a) There is a Board of Nursing Fund.

(e) (1) (i) The Board of Nursing Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

[(ii) The Board of Nursing Fund may not be used to pay for infrastructure operations, as defined in § 1-203(b) of this article.]

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

(ii) Any unspent portions of the Board of Nursing Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Board of Nursing Fund to be used for the purposes specified in this title.

(3) No other State money may be used to support the Board of Nursing Fund.

*Clarifies the allowable uses of the Board of Nursing Fund, which will allow for the reversion of General Funds provided to the Board.*

AMENDMENT NO. 6

On page 48, after line 24, insert:

5-609

(a)

- (1) In this section the following words have the meanings indicated.
- (2)
  - (i) "Personal identifying information" has the meaning stated in § 8-301 of the Criminal Law Article.
  - (ii) "Personal identifying information" includes an Electronic Benefits Transfer card number or personal identification number.
- (3) "Skimming practices" includes:
  - (i) use of a skimming device, including a scanner, skimmer, reader, or other electronic device used to access, read, scan, obtain, memorize, or store, temporarily or permanently, personal identifying information; or
  - (ii) adding malicious code illegally to a website to capture Electronic Benefits Transfer card data or personal identifying information.
- (4) "Theft" includes:
  - (i) physical theft of an Electronic Benefits Transfer card;
  - (ii) identity fraud, as defined in § 8-301 of the Criminal Law Article; and
  - (iii) theft through skimming practices.
- (5) "Two-way fraud alert" means the capability of the Department to communicate with households, and of households to communicate with the Department, through text messaging regarding potential fraudulent use or theft of an Electronic Benefits Transfer card.

(b)

- (1) If an investigation by the Department shows a household's correctly issued benefits were lost due to theft, the Department [automatically] shall restore the benefits without requiring further action from the household. **FOR FISCAL YEAR 2025 AND SUBSEQUENT FISCAL YEARS, RESTORATION OF BENEFITS IS SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET.**

- (2) As soon as practicable, but not later than 10 days after a household informs the Department of the loss of benefits due to theft, the Department shall:
    - (i) notify the household in writing of the Department's decision as to whether to restore benefits, the amount of benefits to be restored, and the right to and method of requesting a hearing on the Department's decision in accordance with subsection (c) of this section;
    - (ii) if the Department determines that the household receives benefits, restore benefits to the household in the amount of benefits that was lost; and
    - (iii) provide the household with a new Electronic Benefits Transfer card.
  - (3) The Department may not:
    - (i) require a household to provide a police report as a condition of restoration of benefits; or
    - (ii) limit the number of months in which a household can receive restoration of benefits lost due to theft.
- (c)
- (1) If a household disputes the amount of benefits restored or the Department's determination that no restoration is due, the household may request a hearing with the Department within 90 days after the date of the Department's determination.
  - (2) If a household requests a hearing under this subsection, the Department shall restore the benefits for which the household claims entitlement while the hearing is pending.
  - (3) If the hearing decision is unfavorable to the household, any benefits improperly restored under paragraph (2) of this subsection may be recovered by the Department by reducing the household's benefit at a rate that may not exceed the lesser of \$10 or 5% of the household's monthly allotment of benefits.
- (d) In the procurement process for electronic benefits distribution or administration, the State or State-aided or State-controlled entity shall give preference to a vendor that:
- (1) holds a form of insurance that can be used to reimburse a beneficiary for identity fraud or theft; and
  - (2) provides identity access protections to protect an eligible beneficiary against identity fraud and theft, which may include multifactor authentication.



(e) The Department shall coordinate with vendors to take available precautions to reduce the vulnerability of Electronic Benefits Transfer cards to theft by utilizing enhanced technology.

**(F) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND SUBSECTION B OF THIS SECTION, THE DEPARTMENT SHALL RESTORE BENEFITS TO A HOUSEHOLD FOR THE PURPOSES OF ELECTRONIC BENEFIT THEFT RESTORATION.**

[(f)] **(G)** On or before December 1 each year, the Department, in consultation with local law enforcement agencies in the State, shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

**5-610**

(a) The Department may:

- (1) restore benefits to any household that lost benefits due to theft that occurred between January 1, 2021, and [October 1, 2022] **JULY 1, 2025**, both inclusive, provided that the Department confirms the household lost benefits due to theft during that time period; and
- (2) support innovative practices required to support beneficiaries during the time period between the reporting of the loss of benefits due to theft and the restoration of benefits.

(b) On or before [September 1, 2023] **SEPTEMBER 30, 2026**, the Department shall issue benefits to households eligible to receive funds under subsection (a) of this section.

**(C) ANY CLAIM FOR THE RESTORATION OF LOST BENEFITS DUE TO THEFT THAT OCCURRED BETWEEN JANUARY 1, 2021 AND JULY 1, 2025 BOTH INCLUSIVE, SHALL BE SUBMITTED TO THE DEPARTMENT ON OR BEFORE JUNE 30, 2026.**

**(D) FOR FISCAL YEAR 2025 AND SUBSEQUENT FISCAL YEARS, ANY RESTORATION OF LOST BENEFITS DUE TO THEFT IN THIS SECTION IS SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET.**

*Limits a funding requirement to replace stolen benefits to funding available in the state budget for Fiscal Year 2026, only.*

AMENDMENT NO. 7

On page 50, in line 2 strike beginning with “and” down through “**LEARNING**” in line 3.

*Clarifies how the new administrative fee may be used.*

AMENDMENT NO. 8

On page 54, in line 18, strike “YEARS 2024 AND 2025” and substitute “**YEAR 2024**”; and  
On page 54, in line 20, strike “2026” and substitute “**2025**”.

*Corrects a drafting error to clarify the years for which a funding mandate applies.*

## AMENDMENT NO. 9

On page 68, after line 3 insert:

7-317.

(a) There is a Cigarette Restitution Fund.

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

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

(3) **EXCEPT FOR FISCAL YEAR 2026**, For each fiscal year for which appropriations are made, at least 50% of the appropriations shall be made for those purposes enumerated in subsection subsection (f)(1)(i), (ii), and (v)1 through 9 of this section subject to the requirement of subsection (e)(2) of this section.

(4) For each fiscal year for which appropriations are made, at least 30% of the appropriations shall be made for the purposes of the Maryland Medical Assistance Program.

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

(6) For each of fiscal years 2025 through 2029, the Governor shall include in the annual budget bill an appropriation of \$8,000,000 to the Maryland Community Health Resources Commission Fund.

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

*Removes a funding requirement for the Cigarette Restitution Fund for Fiscal Year 2026, only.*

AMENDMENT NO. 10

On page 68, after line 28 insert:

7-331

(a) In this section, Fund means the Opioid Restitution Fund

(b) There is an Opioid Restitution Fund

(i) (1) **EXCEPT FOR FISCAL YEARS 2025 AND 2026**, Money expended from the Fund for the programs and services described under subsection (f) of this section is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the programs and services.

(2) Except as provided in subsection (f) of this section. Money expended from the fund may not be used for administrative expenses.

*Clarifies the allowable uses of the Opioid Restitution Fund.*

AMENDMENT NO. 11

On page 80, in line 13 strike “\$230,000,000” and insert “**\$270,567,430**”, and in line 26 strike “\$23,000,000” and insert “**\$27,056,743**”.

*Increases the transfer from the Local Income Tax Reserve Account to the General Fund and amends the repayment schedule to the Account.*

AMENDMENT NO. 12

On page 80, after line 14 insert:

**(I) ON OR BEFORE JULY 31, 2025, THE COMPTROLLER SHALL DISTRIBUTE \$37,300,000 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION TO THE DIVISION OF PAID LEAVE OF THE MARYLAND DEPARTMENT OF LABOR. THE DEPARTMENT OF LABOR SHALL REIMBURSE THE ACCOUNT WITHIN TWO YEARS OF THE START OF CONTRIBUTIONS INTO THE DEPARTMENT’S FAMILY AND MEDICAL LEAVE INSURANCE FUND.**

On page 80, In line 15 strike “(I)” and insert “(J)”

On page 80, In line 15 strike “(J)” and insert “(K)”

On page 80, In line 15 strike “(K)” and insert “(L)”

*Authorizes a transfer from the Local Income Tax Reserve Account to the Department of Labor to support the Division of Paid Leave and establishes a repayment of the Account.*

AMENDMENT NO. 13

On page 80, after line 30 insert:

10–702.

(b) (1) Any business entity that is located in an enterprise zone **THAT WAS DESIGNATED AN ENTERPRISE ZONE ON OR BEFORE JUNE 30, 2025** and satisfies the requirements of § 5–707 of the Economic Development Article may claim a credit only against the State income tax for the wages specified in subsections (c) and (d) of this section that are paid in the taxable year for which the entity claims the credit.

(2) A business entity that is located in a focus area **THAT WAS DESIGNATED A FOCUS AREA ON OR BEFORE JUNE 30, 2025** and satisfies the requirements of § 5–707 of the Economic Development Article may claim a credit only against the State income tax for the wages specified in subsection (e) of this section that are paid to a focus area employee in the taxable year for which the entity claims the credit.

On page 110, strike lines 31 and 32.

On page 111, strike lines 7 and 8 and insert:

(h) (1) [As provided] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND** in the State budget, the State shall remit to each county or municipal corporation an amount equal to one-half of the funds that would have been collected if the property tax credit under this section had not been granted.

(2) **THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A QUALIFIED PROPERTY THAT BECAME ELIGIBLE FOR THE CREDIT UNDER THIS SECTION AFTER JUNE 30, 2025.**

*Clarifies that Enterprise Zone credits can be awarded after June 30, 2025, but must be supported by local governments.*



AMENDMENT NO. 14

On page 106, in line 28, strike “[If] **THROUGH FISCAL YEAR 2025,**” and strike in their entirety lines 32 through 34, inclusive;

On page 107, strike in their entirety lines 1 through 3, inclusive;

On page 107, in line 4, strike “4.” and substitute “3.”; and

On page 108, in line 1, strike “FINAL’ and substitute “**INITIAL**”.

*Clarifies a provision about More Jobs for Marylanders tax credit certificates.*

AMENDMENT NO. 15

On page 128, strike lines 25 and 26.

*Removes language repealing the Low Intensity Support Services Program.*

AMENDMENT NO. 16

On page 128, after line 22 insert:

SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2025, the Governor may transfer to the General Fund [\$60,000,000] **\$80,000,000** from the reserve account established by the State to pay unemployment compensation benefits for State employees.

*Increases the authorized transfer to the General Fund from the reserve account established to pay unemployment compensation benefits for State employees from \$60 million to \$80 million.*

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AMENDMENT NO. 17

On page 129, in line 27 strike “\$150,000,000” and insert “**\$230,000,000**.”

*Adjusts the transfer from the Strategic Energy Investment Fund to the General Fund.*

AMENDMENT NO. 18

On page 131, after line 21 insert:

**SECTION 21. AND BE IT FURTHER ENACTED, THAT, NOTWITHSTANDING SECTION 7-311 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, OR ANY OTHER PROVISION OF LAW, ON OR BEFORE JUNE 30, 2026, THE GOVERNOR MAY TRANSFER SUFFICIENT FUNDS VIA BUDGET AMENDMENT TO THE ANNUITY BOND FUND, IF NECESSARY, TO ENSURE THAT THE STATE TREASURER IS ABLE TO PAY DEBT SERVICE TO THE STATE'S BONDHOLDERS.**

On page 131, In line 22 strike "(21)" and insert "**(22)**"

On page 131, In line 24 strike "(22)" and insert "**(23)**"

On page 131, In line 27 strike "(23)" and insert "**(24)**"

On page 131, In line 29 strike "(24)" and insert "**(25)**"

On page 131, In line 32 strike "(25)" and insert "**(26)**"

On page 132, In line 6 strike "(26)" and insert "**(27)**"

*Ensures that sufficient funds are available for the state to make debt service payments through the end of fiscal year 2026, in light of uncertain financial market conditions.*