

BY: Committee on Ways and Means and Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 8

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wood” and substitute “Wood, W. Baker, Barkley, Bartlett, Bobo, Bohanan, Bozman, Bronrott, Brown, Burns, Cadden, Campbell, Cane, Carlson, Clagett, Cole, Conroy, Cryor, D’Amato, C. Davis, DeCarlo, Dembrow, Dypski, Finifter, Frush, Giannetti, Glassman, Goldwater, Greenip, Griffith, Grosfeld, Hammen, Healey, Hecht, Heller, Hubers, James, A. Jones, V. Jones, Kirk, Love, Mandel, Marriott, McIntosh, McKee, Moe, Morhaim, Nathan-Pulliam, Patterson, Pendergrass, Petzold, Phillips, Pitkin, Ports, Riley, Rosso, Rudolph, Sher, Shriver, Stern, Swain, Turner, and Zirkin”.

On page 1, in lines 9, 10, and 12, in each instance, strike “component”; strike beginning with “requiring” in line 15 down through “Administration;” in line 16; in line 17, strike the first comma and substitute “and”; strike beginning with “, and” in line 17 down through “Environment” in line 18; strike beginning with “, in” in line 20 down through “Environment,” in line 21; strike beginning with “requiring” in line 22 down through “date;” in line 27; and in line 28, after “Act;” insert “providing for a delayed effective date;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 31 on page 1 through line 9 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 17 on page 2 through line 10 on page 5, inclusive.

On page 5, after line 12, insert:

“(A) IN THIS SECTION, “NITROGEN REMOVAL TECHNOLOGY” MEANS A SYSTEM APPROVED BY THE DEPARTMENT CAPABLE OF RELIABLY ACHIEVING A

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NITROGEN REMOVAL EFFICIENCY OF 60% OR GREATER.”;

in lines 13 and 19, strike “(A)” and “(B)”, respectively, and substitute “(B)” and “(C)”, respectively; and strike beginning with “AS” in line 17 down through “ARTICLE” in line 18; and in line 26, strike the comma and substitute a semicolon.

On pages 5 and 6, strike in their entirety the lines beginning with line 28 on page 5 through line 2 on page 6.

### AMENDMENT NO. 3

On page 6, in line 29, after “FUEL CELLS” insert “, WIND TURBINES,”; and strike beginning with the second “OR” in line 30 down through “AGENCY” in line 32.

On pages 6 and 7, strike in their entirety the lines beginning with line 33 on page 6 through line 3 on page 7, inclusive, and substitute:

“(4) “APPLICABLE ENERGY EFFICIENCY STANDARDS” MEANS ASHRAE/IESNA STANDARD 90.1-1999, ENERGY STANDARD FOR BUILDINGS EXCEPT LOW-RISE RESIDENTIAL BUILDINGS, PUBLISHED BY THE AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS.”.

### AMENDMENT NO. 4

On page 7, in line 18, after “WHICH” insert “:

1.”;

after line 20, insert:

“2. A FUEL CELL, WIND TURBINE, OR PHOTOVOLTAIC MODULE CONSTITUTES A QUALIFYING ALTERNATE ENERGY SOURCE AND IS FULLY OPERATIONAL; OR”;

in line 21, strike “FIRST” and substitute “EARLIEST”; in line 22, strike “COMPONENT”; in line 23, strike “(J)” and substitute “(L)”; in line 25, strike “IS”; in line 26, after “(I)” insert “1. IS”; in line 29, strike “(II)” and substitute “2. IS”; in line 31, after “SPACE;” insert “OR”; and strike in their entirety lines 32 through 37, inclusive.

On page 8, in line 1, strike “(IV)” and substitute “3. IS”; strike beginning with “(I)” in line 1

down through "PARAGRAPH" in line 2 and substitute "1 OR 2 OF THIS ITEM; AND

(II) IN THE CASE OF A NEWLY CONSTRUCTED BUILDING FOR WHICH A CERTIFICATE OF OCCUPANCY WAS NOT ISSUED BEFORE JULY 1, 2001:

1. IS LOCATED ON A QUALIFIED BROWNFIELDS SITE, AS DEFINED UNDER ARTICLE 83A, § 5-1401 OF THE CODE; OR

2. A. IS LOCATED IN A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

B. IS NOT LOCATED ON WETLANDS, THE CONSTRUCTION OF WHICH REQUIRES A PERMIT UNDER § 404 OF THE FEDERAL CLEAN WATER ACT, 33 U.S.C. § 1344".

AMENDMENT NO. 5

On page 8, after line 2, insert:

"(9) "FUEL CELL" MEANS A DEVICE THAT PRODUCES ELECTRICITY DIRECTLY FROM HYDROGEN OR HYDROCARBON FUEL THROUGH A NONCOMBUSTIVE ELECTROCHEMICAL PROCESS.";

in lines 3, 6, and 9, strike "(9)", "(10)", and "(11)", respectively, and substitute "(10)", "(11)", and "(12)", respectively; in line 5, strike "(H)" and substitute "(J)"; in line 6, after "GREEN" insert "WHOLE"; in line 11, strike "(I)" and substitute "(K)"; strike in their entirety lines 12 through 18, inclusive, and substitute:

"(13) "INCREMENTAL COST OF BUILDING-INTEGRATED PHOTOVOLTAIC MODULES" MEANS:

(I) THE COST OF BUILDING-INTEGRATED PHOTOVOLTAIC MODULES AND ANY ASSOCIATED INVERTER, ADDITIONAL WIRING OR OTHER ELECTRICAL EQUIPMENT FOR THE PHOTOVOLTAIC MODULES, OR ADDITIONAL

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MOUNTING OR STRUCTURAL MATERIALS, LESS THE COST OF SPANDREL GLASS OR OTHER BUILDING MATERIAL THAT WOULD HAVE BEEN USED IF BUILDING-INTEGRATED PHOTOVOLTAIC MODULES WERE NOT INSTALLED;

(II) INCREMENTAL LABOR COSTS PROPERLY ALLOCABLE TO ON-SITE PREPARATION, ASSEMBLY, AND ORIGINAL INSTALLATION OF PHOTOVOLTAIC MODULES; AND

(III) INCREMENTAL COSTS OF ARCHITECTURAL AND ENGINEERING SERVICES AND DESIGNS AND PLANS DIRECTLY RELATED TO THE CONSTRUCTION OR INSTALLATION OF PHOTOVOLTAIC MODULES.

(14) “QUALIFYING ALTERNATE ENERGY SOURCES” MEANS BUILDING-INTEGRATED AND NONBUILDING-INTEGRATED PHOTOVOLTAIC MODULES, WIND TURBINES, AND FUEL CELLS INSTALLED TO SERVE THE BASE BUILDING OR TENANT SPACE THAT:

(I) HAVE THE CAPABILITY TO MONITOR THEIR ACTUAL POWER OUTPUT;

(II) ARE FULLY COMMISSIONED UPON INSTALLATION, AND ANNUALLY THEREAFTER, TO ENSURE THAT THE SYSTEMS MEET THEIR DESIGN SPECIFICATIONS; AND

(III) IN THE CASE OF WIND TURBINES, MEET ANY APPLICABLE NOISE ORDINANCES.”;

and in lines 19 and 22, strike “(13)” and “(14)”, respectively, and substitute “(15)” and “(16)”, respectively.

AMENDMENT NO. 6

On page 8, after line 32, insert:

“(3) IF AN ELIGIBLE BUILDING IS OWNED BY A POLITICAL

SUBDIVISION OF THE STATE, THE FEDERAL GOVERNMENT, OR A NOT FOR PROFIT ORGANIZATION EXEMPT FROM STATE INCOME TAX, THE CREDIT ALLOWED UNDER THIS SECTION MAY BE CLAIMED BY EITHER THE ARCHITECT OF THE BUILDING, THE GENERAL CONTRACTOR OF THE BUILDING, OR BOTH, PROVIDED THAT:

(I) ANY CLAIM OF CREDIT HAS BEEN FULLY DISCLOSED TO THE OWNER OF THE BUILDING, AS EVIDENCED BY THE SEAL OR SIGNATURE OF THE OWNER ON THE APPLICATION OF THE TAXPAYER FOR AN INITIAL CREDIT CERTIFICATE TO BE ISSUED UNDER SUBSECTION (L) OF THIS SECTION; AND

(II) THE TOTAL AMOUNT OF CREDIT CLAIMED BY MORE THAN ONE TAXPAYER FOR THE SAME ELIGIBLE BUILDING MAY NOT EXCEED 100% OF THE CREDIT ALLOWED FOR THE BUILDING UNDER THIS SECTION.”.

AMENDMENT NO. 7

On pages 8 and 9, strike in their entirety the lines beginning with line 33 on page 8 through line 3 on page 9, inclusive.

On page 9, in line 4, strike “(3)” and substitute “(4)”; in the same line, strike “CREDIT COMPONENTS” and substitute “CREDITS”; in the same line, strike “(D)” and substitute “(C)”; in line 5, strike “(G)” and substitute “(I)”; strike beginning with the colon in line 5 down through “(I)” in line 6; in lines 8, 11, and 13, strike “1.”, “2.”, and “3.”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 10, strike “(J)” and substitute “(L)”; in line 14, strike the semicolon and substitute a period; strike in their entirety lines 15 through 24, inclusive, and substitute:

“(5) THE TOTAL AMOUNT ALLOWED IN THE AGGREGATE FOR ALL CREDITS UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM SET FORTH IN THE INITIAL CREDIT CERTIFICATE OBTAINED UNDER SUBSECTION (L) OF THIS SECTION.”;

in line 25, strike “(4)” and substitute “(6)”; in the same line, strike “CREDIT COMPONENTS” and substitute “CREDITS UNDER THIS SECTION”; and in line 27, strike “COMPONENT”.

On pages 9 and 10, strike in their entirety the lines beginning with line 28 on page 9 through

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line 8 on page 10, inclusive.

On page 10, in lines 9 and 26, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”, respectively; strike beginning with “THE” in line 9 down through “PERCENTAGE” in line 10 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN AN AMOUNT EQUAL TO 8%”; in line 11, strike “AN” and substitute “THE”; in lines 11, 12, 13, and 20, in each instance, after “GREEN” insert “WHOLE”; strike in their entirety lines 14 through 18, inclusive; in line 19, strike “(3)” and substitute “(2)”; strike beginning with “THE” in line 26 down through “PERCENTAGE” in line 27 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN AN AMOUNT EQUAL TO 6%”; in line 28, strike “AN” and substitute “THE”; and strike in their entirety lines 31 through 35, inclusive.

On page 11, in line 1, strike “(3)” and substitute “(2)”; in lines 4 and 27, strike “(F)” and “(G)”, respectively, and substitute “(E)” and “(F)”, respectively; strike beginning with “THE” in line 4 down through “PERCENTAGE” in line 5 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN AN AMOUNT EQUAL TO 6%”; in line 6, strike “AN” and substitute “THE”; strike in their entirety lines 10 through 14, inclusive; in lines 15 and 23, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; in lines 21 and 24, in each instance, strike “COMPONENT”; in line 27, strike beginning with “THE” through “INCLUDES” and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN”; strike beginning with “USES” in line 31 down through “AGENCY” in line 33 and substitute “MEETS APPLICABLE STANDARDS AS SPECIFIED IN REGULATIONS ADOPTED BY THE ADMINISTRATION UNDER SUBSECTION (M) OF THIS SECTION”; in line 33, after the first “GREEN” insert “WHOLE”; and after line 34, insert:

“(G) (1) FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN THE AMOUNT DETERMINED UNDER THIS SUBSECTION FOR THE INSTALLATION OF A FUEL CELL THAT IS A QUALIFYING ALTERNATE ENERGY SOURCE AND IS INSTALLED TO SERVE A GREEN WHOLE BUILDING, GREEN BASE BUILDING, OR GREEN TENANT SPACE.

(2) THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION IS 30% OF THE SUM OF THE CAPITALIZED COSTS PAID OR INCURRED BY AN OWNER OR TENANT WITH RESPECT TO EACH FUEL CELL INSTALLED, INCLUDING THE COST OF THE FOUNDATION OR PLATFORM AND THE LABOR COSTS ASSOCIATED WITH INSTALLATION.

(3) THE COSTS USED TO DETERMINE THE CREDIT AMOUNT ALLOWED UNDER THIS SUBSECTION FOR INSTALLATION OF A FUEL CELL:

(I) MAY NOT EXCEED \$1,000 PER KILOWATT OF INSTALLED DC RATED CAPACITY OF THE FUEL CELL; AND

(II) SHALL BE REDUCED BY THE AMOUNT OF ANY FEDERAL, STATE, OR LOCAL GRANT:

1. RECEIVED BY THE TAXPAYER AND USED FOR THE PURCHASE OR INSTALLATION OF THE FUEL CELL; AND

2. NOT INCLUDED IN THE FEDERAL GROSS INCOME OF THE TAXPAYER.

(H) (1) FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN THE AMOUNT DETERMINED UNDER THIS SUBSECTION FOR THE INSTALLATION OF PHOTOVOLTAIC MODULES THAT CONSTITUTE A QUALIFYING ALTERNATE ENERGY SOURCE AND ARE INSTALLED TO SERVE A GREEN WHOLE BUILDING, GREEN BASE BUILDING, OR GREEN TENANT SPACE.

(2) THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION IS:

(I) 20% OF THE INCREMENTAL COST PAID OR INCURRED BY AN OWNER OR TENANT FOR BUILDING-INTEGRATED PHOTOVOLTAIC MODULES;

AND

(II) 25% OF THE COST OF NONBUILDING-INTEGRATED PHOTOVOLTAIC MODULES, INCLUDING THE COST OF THE FOUNDATION OR PLATFORM AND THE LABOR COSTS ASSOCIATED WITH INSTALLATION.

(3) THE COSTS USED TO DETERMINE THE CREDIT AMOUNT ALLOWED UNDER THIS SUBSECTION FOR INSTALLATION OF PHOTOVOLTAIC MODULES:

(I) MAY NOT EXCEED THE PRODUCT OBTAINED BY MULTIPLYING \$3 TIMES THE NUMBER OF WATTS INCLUDED IN THE DC RATED CAPACITY OF THE PHOTOVOLTAIC MODULES; AND

(II) SHALL BE REDUCED BY THE AMOUNT OF ANY FEDERAL, STATE, OR LOCAL GRANT:

1. RECEIVED BY THE TAXPAYER AND USED FOR THE PURCHASE OR INSTALLATION OF THE PHOTOVOLTAIC EQUIPMENT; AND

2. NOT INCLUDED IN THE FEDERAL GROSS INCOME OF THE TAXPAYER.

(4) A CREDIT MAY NOT BE CLAIMED UNDER THIS SUBSECTION FOR THE INSTALLATION OF PHOTOVOLTAIC MODULES IF THE CREDIT UNDER § 10-719 OF THIS SUBTITLE IS CLAIMED WITH RESPECT TO THE PHOTOVOLTAIC MODULES.

(I) (1) FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN THE AMOUNT DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR THE INSTALLATION OF A WIND TURBINE THAT IS A QUALIFYING ALTERNATE ENERGY SOURCE AND IS INSTALLED TO SERVE A GREEN WHOLE BUILDING, GREEN BASE BUILDING, OR GREEN TENANT SPACE.



(2) THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION IS 5% OF THE SUM OF THE CAPITALIZED COSTS PAID OR INCURRED BY AN OWNER OR TENANT WITH RESPECT TO EACH WIND TURBINE INSTALLED, INCLUDING THE COST OF THE FOUNDATION OR PLATFORM AND THE LABOR COSTS ASSOCIATED WITH INSTALLATION.”.

AMENDMENT NO. 8

On page 11, in line 35, strike “(H)” and substitute “(J)”; in the same line, after “(1)” insert “BY REGULATION, THE ADMINISTRATION SHALL ADOPT STANDARDS FOR A BUILDING”; in line 36, after “UNDER” insert “SUBSECTIONS (C) AND (D) OF”; strike beginning with “, A” in line 36 down through “SUBSECTION” in line 37 and substitute “THAT ARE CONSISTENT WITH THE CRITERIA FOR GREEN BASE BUILDINGS SET FORTH BY THE UNITED STATES GREEN BUILDING COUNCIL OR OTHER SIMILAR CRITERIA”; and after line 37, insert:

“(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL PROVIDE THAT THE ENERGY USE SHALL BE NO MORE THAN 65% FOR NEW CONSTRUCTION OF A BASE BUILDING, OR 75% IN THE CASE OF REHABILITATION OF A BASE BUILDING, OF THE ENERGY USE ATTRIBUTABLE TO A REFERENCE BUILDING WHICH MEETS THE REQUIREMENTS OF APPLICABLE ENERGY EFFICIENCY STANDARDS.”.

On pages 11 through 14, strike in their entirety the lines beginning with line 38 on page 11 through line 12 on page 14, inclusive.

On page 14, in line 13, strike “(I)” and substitute “(K)”; in the same line, after “(1)” insert “BY REGULATION, THE ADMINISTRATION SHALL ADOPT STANDARDS FOR TENANT SPACE”; in line 14, after “UNDER” insert “SUBSECTION (E) OF”; strike beginning with “, TENANT” in line 14 down through “SUBSECTION” in line 15 and substitute “THAT ARE CONSISTENT WITH THE CRITERIA FOR GREEN TENANT SPACE SET FORTH BY THE UNITED STATES GREEN BUILDING COUNCIL OR OTHER SIMILAR CRITERIA”; and after line 15, insert:

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“(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL PROVIDE THAT THE ENERGY USE SHALL BE NO MORE THAN 65% FOR NEW CONSTRUCTION OF A BASE BUILDING, OR 75% IN THE CASE OF REHABILITATION OF A BASE BUILDING, OF THE ENERGY USE ATTRIBUTABLE TO A REFERENCE BUILDING WHICH MEETS THE REQUIREMENTS OF APPLICABLE ENERGY EFFICIENCY STANDARDS.”.

AMENDMENT NO. 9

On pages 14 and 15, strike in their entirety the lines beginning with line 16 on page 14 through line 31 on page 15, inclusive.

On page 15, in line 32, strike “(J)” and substitute “(L)”; in line 33, strike “COMPONENT”; in line 37, strike “COMPONENT”; and in line 39, strike “FIRST” and substitute “EARLIEST”.

On page 16, in lines 5, 6, 7, 10, 13, 28, and 34, in each instance, strike “COMPONENT”; in line 8, strike beginning with the first “THE” through “ALLOWED” and substitute “ALL CREDITS ALLOWED UNDER THIS SECTION”; in lines 11 and 15, in each instance, strike “CREDIT COMPONENTS” and substitute “CREDITS”; in lines 18, 19, 20, 21, 22, 23, 24, 25, and 26, strike “2002”, “2003”, “2004”, “2005”, “2006”, “2007”, “2008”, “2009”, and “2010”, respectively, and substitute “2003”, “2004”, “2005”, “2006”, “2007”, “2008”, “2009”, “2010”, and “2011”, respectively; in line 34, strike “2005” and substitute “2011”; in line 36, after the first “GREEN” insert “WHOLE”; strike beginning with “OR” in line 37 down through “AGENCY,” in line 39 and substitute “FUEL CELL, PHOTOVOLTAIC MODULE, OR WIND TURBINE,”.

On page 17, in line 4, strike “REMAINS” and substitute “IS”; in the same line, strike “, AS APPROPRIATE,”; in line 7, strike the second “OR” and substitute “AND”; and strike in their entirety lines 8 through 10, inclusive, and substitute:

“2. ANY FUEL CELL, PHOTOVOLTAIC MODULE, OR WIND TURBINE WITH RESPECT TO WHICH THE CREDIT IS CLAIMED CONSTITUTES A QUALIFYING ALTERNATE ENERGY SOURCE AND IS FULLY OPERATIONAL.”;

in line 13, after “THE” insert “REGULATIONS ADOPTED BY THE ADMINISTRATION UNDER THIS SECTION SPECIFYING THE”; and strike beginning with “IN” in line 14 down

through "SERVICE" in line 15, and substitute "FOR EACH CREDIT UNDER THIS SECTION"; in line 19, strike "COMPONENT".

AMENDMENT NO. 10

On pages 17 and 18, strike in their entirety the lines beginning with line 32 on page 17 through line 19 on page 18, inclusive.

On page 18, in line 20, strike "(3)" and substitute "(4)"; in the same line, strike the first comma and substitute "AND"; strike beginning with ", AND" in line 20 down through "ENVIRONMENT" in line 21; in line 25, after the first "GREEN" insert "WHOLE"; in line 28, strike "(4)" and substitute "(5)"; and in the same line, strike "2009" and substitute "2010".

On page 19, in line 3, strike "(5)" and substitute "(6)"; in the same line, strike "AND THE ADMINISTRATION"; in line 6, strike "(6)" and substitute "(7)"; in the same line, after "(I)" insert "ON OR BEFORE JULY 1, 2003,"; in line 11, strike "(L)" and substitute "(M)"; in the same line, strike "(1)"; in the same line, strike "DECEMBER 1, 2001" and substitute "JULY 1, 2002"; in line 13, strike "THE FOLLOWING," and substitute "REGULATIONS"; and in line 14, strike "BASE BUILDINGS:" and substitute "THE CERTIFICATION OF GREEN WHOLE BUILDINGS, GREEN BASE BUILDINGS, AND GREEN TENANT SPACE THAT ARE CONSISTENT WITH CRITERIA SET FORTH BY THE STATES GREEN BUILDINGS COUNCIL OR OTHER SIMILAR CRITERIA FOR:

(1) ENERGY USE;

(2) APPLIANCE AND HEATING, COOLING AND HOT WATER EQUIPMENT STANDARDS;

(3) AIR CONDITIONING EQUIPMENT, INCLUDING CHILLERS;

(4) BUILDING MATERIALS, FINISHES, AND FURNISHINGS;

(5) STORMWATER RUNOFF FOR NEW CONSTRUCTION;

(6) WATER CONSERVATION AND EFFICIENCY; AND

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(7) INDOOR AIR QUALITY, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.”.

On pages 19 and 20, strike in their entirety the lines beginning with line 15 on page 19 through line 32 on page 20, inclusive.

AMENDMENT NO. 11

On page 20, in lines 34 and 35, in each instance, strike “2001” and substitute “2002”.