

---

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

Introduced and read first time: January 19, 2005

Assigned to: Appropriations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Budget Reconciliation Act of 2005**

3 FOR the purpose of repealing certain State aid to certain counties; altering certain  
4 appropriations the Governor is required to include in the annual budget for  
5 certain purposes; altering the county share of costs for educating certain  
6 students; requiring the Governor to include a certain minimum appropriation in  
7 the annual State budget for a certain scholarship program; repealing certain  
8 scholarship programs; altering certain requirements relating to certain studies;  
9 extending the duration of the Senior Prescription Drug Program; providing for  
10 alternate uses for the subsidy for the Senior Prescription Drug Program;  
11 altering the distribution of the transfer tax revenues; altering a certain  
12 requirement that a certain percentage of appropriations from the Cigarette  
13 Restitution Fund be made for certain purposes; repealing prevailing wage  
14 requirements applicable to certain projects; authorizing the use of certain State  
15 funds for certain purposes; eliminating certain employee payments in a certain  
16 year; authorizing the use of certain funds from a certain demutualization for  
17 certain purposes; making the provisions of this Act severable; and generally  
18 relating to the financing of State government for certain fiscal years.

19 BY repealing  
20 Article 24 - Political Subdivisions - Miscellaneous Provisions  
21 Section 9-1102  
22 Annotated Code of Maryland  
23 (2001 Replacement Volume and 2004 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article 24 - Political Subdivisions - Miscellaneous Provisions  
26 Section 9-1103(a)  
27 Annotated Code of Maryland  
28 (2001 Replacement Volume and 2004 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article 70B - Department of Aging  
31 Section 34

1 Annotated Code of Maryland  
2 (2003 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Education  
5 Section 8-415(d) and 18-310(a)  
6 Annotated Code of Maryland  
7 (2004 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - Health - General  
10 Section 13-1004 and 13-1015  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Insurance  
15 Section 14-106  
16 Annotated Code of Maryland  
17 (2002 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Natural Resources  
20 Section 5-903(a)(2) and (g)  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume and 2004 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article - State Finance and Procurement  
25 Section 7-317(a)  
26 Annotated Code of Maryland  
27 (2001 Replacement Volume and 2004 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article - State Finance and Procurement  
30 Section 7-317(g)  
31 Annotated Code of Maryland  
32 (2001 Replacement Volume and 2004 Supplement)

33 BY repealing and reenacting, with amendments,  
34 Article - Tax - Property  
35 Section 13-209  
36 Annotated Code of Maryland

1 (2001 Replacement Volume and 2004 Supplement)

2 BY repealing

3 Chapter 635 of the Acts of the General Assembly of 2000

4 Section 2

5 BY repealing and reenacting, with amendments,

6 Chapter 153 of the Acts of the General Assembly of 2002

7 Section 13

8 BY repealing

9 Article - Education

10 Section 18-401 through 18-408, inclusive, and the subtitle "Subtitle 4.

11 Senatorial Scholarships" and 18-501 through 18-507, inclusive, and the

12 subtitle "Subtitle 5. Delegate Scholarships"

13 Annotated Code of Maryland

14 (2004 Replacement Volume and 2004 Supplement)

15 BY repealing

16 Article - State Finance and Procurement

17 Section 17-201 through 17-205, 17-208 through 17-216, and 17-219 through

18 17-226, and the subtitle "Subtitle 2. Prevailing Wage Rates - Public Works

19 Contracts"

20 Annotated Code of Maryland

21 (2001 Replacement Volume and 2004 Supplement)

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

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

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

25 [9-1102.

26 (a) Except as provided in subsection (b) of this section, for each fiscal year, the

27 State shall pay the following amounts to the following counties to reimburse the

28 counties partially for the costs of the property tax exemption under § 7-237 of the Tax

29 - Property Article:

30 Anne Arundel \$ 7,820,202

31 Baltimore City 453,421

32 Baltimore 1,794,835

33 Calvert 6,096,574

34 Charles 2,522,612

35 Dorchester 187,442

36 Garrett 11,907

37 Harford 860,767

38 Montgomery 2,765,553

39 Prince George's 7,744,806

1 Washington 357,082

2 (b) For the fiscal year that begins on July 1, 2000, the State shall pay 50% of  
3 the amounts specified in subsection (a) of this section.

4 (c) The Comptroller shall pay the amounts provided under this section to the  
5 counties in equal amounts for each quarter at the end of each quarter of the fiscal  
6 year for which the payments are made.

7 (d) 35% of the payment received by Washington County under this section  
8 shall be paid to the Town of Williamsport.]

9 9-1103.

10 (a) [In addition to any reimbursement provided under § 9-1102 of this  
11 subtitle, if] IF on or before January 1, 2020, the Federal Nuclear Regulatory  
12 Commission license for the Calvert Cliffs Nuclear Power Plant expires and is not  
13 extended or renewed, for each of the 5 property tax years following the expiration and  
14 nonrenewal, the State shall pay as a grant to Calvert County an amount equal to the  
15 applicable percentage, determined under subsection (b) of this section, of the  
16 difference between:

17 (1) The product of multiplying \$14,554,000 times the percentage  
18 specified for the taxable year under § 7-237(b) of the Tax - Property Article; and

19 (2) The sum of:

20 (i) \$2,000,000; and

21 (ii) The county's property tax revenue for the taxable year derived  
22 from personal property that is machinery or equipment used to generate electricity  
23 for sale.

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

25 34.

26 (a) There is a Senior Citizen Activities Center Operating Fund.

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

29 (c) [(1)] The Fund shall consist of appropriations that are made to the Fund  
30 in the State budget.

31 [(2)] For each fiscal year, the Governor shall include in the annual budget  
32 bill submitted to the General Assembly an appropriation of \$500,000 for the Fund.]

33 (d) (1) The Fund shall be used to supplement any existing funding for senior  
34 citizen activities centers in the State budget.

1 (2) The Fund may not be used to supplant any existing funding for senior  
2 citizen activities centers in the State budget.

3 (e) The Fund shall be invested and reinvested in the same manner as other  
4 State funds.

5 **Article - Education**

6 8-415.

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

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

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

- 20 1. The local share of the basic cost;
- 21 2. An additional amount equal to 200 percent of the basic  
22 cost; and
- 23 3. [A. For fiscal year 2005 only, an] AN additional amount  
24 equal to 25 percent of the approved cost or reimbursement in excess of the sum of  
25 items 1 and 2 of this subparagraph; and
- 26 B. For fiscal year 2006 and each subsequent fiscal year, an  
27 additional amount equal to 20 percent of the approved cost or reimbursement in  
28 excess of the sum of items 1 and 2 of this subparagraph].

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

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

1 18-310.

2 (a) [Funds] THE GOVERNOR SHALL INCLUDE AN APPROPRIATION for the  
3 Educational Excellence Award Program [shall be as provided] in the annual budget  
4 of the Commission IN AN AMOUNT NOT LESS THAN \$11,299,000 WHICH REPRESENTS  
5 THE TOTAL AMOUNT OF THE APPROPRIATION PREVIOUSLY PROVIDED by the  
6 Governor UNDER FORMER SUBTITLES 4 AND 5 OF THIS TITLE.

7 **Article - Health - General**

8 13-1004.

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

13 (b) To carry out the evaluation and surveillance functions of this subtitle, the  
14 Department may conduct any other tobacco study measuring the factors set forth in §  
15 13-1003(c) of this subtitle and using a methodology or model that is consistent with  
16 but need not be identical to that used to conduct the Baseline Tobacco Study.

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

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

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

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

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

30 13-1015.

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

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

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

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

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

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

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

10 **Article - Insurance**

11 14-106.

12 (a) It is the public policy of this State that the exemption from taxation for  
13 nonprofit health service plans under § 6-101(b)(1) of this article is granted so that  
14 funds which would otherwise be collected by the State and spent for a public purpose  
15 shall be used in a like manner and amount by the nonprofit health service plan.

16 (b) By March 1 of each year or a deadline otherwise imposed by the  
17 Commissioner for good cause, each nonprofit health service plan shall file with the  
18 Commissioner a premium tax exemption report that:

19 (1) is in a form approved by the Commissioner; and

20 (2) demonstrates that the plan has used funds equal to the value of the  
21 premium tax exemption provided to the plan under § 6-101(b) of this article, in a  
22 manner that serves the public interest in accordance with this section.

23 (c) A nonprofit health service plan may satisfy the public service requirement  
24 of this section by establishing that, to the extent the value of the nonprofit health  
25 service plan's premium tax exemption under § 6-101(b) of this article exceeds the  
26 subsidy required under the Senior Prescription Drug Program established under  
27 Subtitle 5, Part II of this title, OR, AFTER JANUARY 1, 2006, EXCEEDS THE AMOUNT OF  
28 THE SUBSIDY REQUIRED UNDER SUBSECTION (F) OF THIS SECTION FOR THE  
29 MARYLAND PHARMACY ASSISTANCE PROGRAM CREATED UNDER § 15-124 OF THE  
30 HEALTH - GENERAL ARTICLE the plan has:

31 (1) increased access to, or the affordability of, one or more health care  
32 products or services by offering and selling health care products or services that are  
33 not required or provided for by law;

34 (2) provided financial or in-kind support for public health programs;

35 (3) employed underwriting standards in a manner that increases the  
36 availability of one or more health care services or products;

1 (4) employed pricing policies that enhance the affordability of health  
2 care services or products and result in a higher medical loss ratio than that  
3 established by a comparable for-profit health insurer; or

4 (5) served the public interest by any method or practice approved by the  
5 Commissioner.

6 (d) Notwithstanding subsection (c) of this section, a nonprofit health service  
7 plan that is subject to this section and issues comprehensive health care benefits in  
8 the State shall:

9 (1) offer health care products in the individual market;

10 (2) offer health care products in the small employer group market in  
11 accordance with Title 15, Subtitle 12 of this article; [and]

12 (3) administer and subsidize the Senior Prescription Drug Program  
13 established under Title 14, Subtitle 5, Part II of this title; AND

14 (4) UPON TERMINATION OF THE MARYLAND SENIOR PRESCRIPTION  
15 DRUG PROGRAM, SUBSIDIZE THE MARYLAND PHARMACY ASSISTANCE PROGRAM  
16 UNDER § 15-124 OF THE HEALTH - GENERAL ARTICLE.

17 (e) The subsidy required under the Senior Prescription Drug Program may  
18 not exceed the value of the nonprofit health service plan's premium tax exemption  
19 under § 6-101(b) of this article.

20 (F) THE SUBSIDY FOR THE MARYLAND PHARMACY ASSISTANCE PROGRAM  
21 SHALL BE LIMITED AS FOLLOWS:

22 (1) IN FISCAL YEAR 2006, THE NONPROFIT HEALTH SERVICE PLANS  
23 SHALL USE \$11,750,000 TO SUBSIDIZE THE MARYLAND PHARMACY ASSISTANCE  
24 PROGRAM; AND

25 (2) IN FISCAL YEAR 2007 AND EVERY FISCAL YEAR THEREAFTER, THE  
26 NONPROFIT HEALTH SERVICE PLANS SHALL USE \$23,000,000 TO SUBSIDIZE THE  
27 MARYLAND PHARMACY ASSISTANCE PROGRAM.

28 [(f)] (G) (1) Subject to paragraph (2) of this subsection, each report filed  
29 with the Commissioner under subsection (b) of this section is a public record.

30 (2) In accordance with § 10-617(d) of the State Government Article, the  
31 Commissioner shall deny inspection of any part of a report filed under subsection (b)  
32 of this section that the Commissioner determines contains confidential commercial  
33 information or confidential financial information.



**Article - Natural Resources**

1  
2 5-903.

3 (a) (2) (i) Of the remaining funds not appropriated under paragraph (1) of  
4 this subsection, one half of the funds shall be used for recreation and open space  
5 purposes by the Department and the Historic St. Mary's City Commission. Except as  
6 otherwise provided in this section, any funds the General Assembly appropriates to  
7 the State under this subsection shall be used only for land acquisition projects.

8 (ii) A portion of the State's share of funds available under this  
9 program shall be utilized to make grants to Baltimore City for projects which meet  
10 park purposes. The grants shall be in addition to any funds Baltimore City is eligible  
11 to receive under subsection (b) of this section, and may be used for acquisition or  
12 development. In order for Baltimore City to be eligible for a State grant, the  
13 Department shall review projects or land to be acquired within Baltimore City, and  
14 upon the Department's recommendation, the Board of Public Works may approve  
15 projects and land including the cost. Title to the land shall be in the name of the  
16 Mayor and City Council of Baltimore City. The State is not responsible for costs  
17 involved in the development or maintenance of the land.

18 (iii) 1. A portion of the State's share of funds available under this  
19 Program not to exceed the amounts specified below may be transferred by an  
20 appropriation in the State budget to the Rural Legacy Program under Title 5, Subtitle  
21 9A of this article:

- 22 A. In fiscal year 1998, \$4 million;  
23 B. In fiscal year 1999, \$5 million;  
24 C. In fiscal year 2000, \$6 million;  
25 D. In fiscal year 2001, \$7 million; and  
26 E. In fiscal year 2002 and each fiscal year thereafter, \$8  
27 million.

28 2. In each fiscal year, up to \$2 million of the funds  
29 transferred under this subparagraph to the Rural Legacy Program may be used to  
30 purchase zero coupon bonds for easements.

31 3. Sums allocated to the Rural Legacy Program may not  
32 revert to the General Fund of the State.

33 (IV) 1. A PORTION OF THE STATE'S SHARE OF FUNDS AVAILABLE  
34 UNDER THIS PROGRAM NOT TO EXCEED \$5,000,000 SHALL BE USED TO OPERATE THE  
35 STATE FORESTS AND PARKS.

1    2.        THE ONLY WAGES THAT MAY BE PAID WITH THE PORTION  
 2 OF THE STATE'S SHARE OF FUNDS AUTHORIZED UNDER THIS SUBPARAGRAPH ARE  
 3 THE WAGES OF EMPLOYEES IN THE STATE FORESTS AND PARKS.

4        (g)        (1)        For the fiscal year commencing July 1, 1990, any amount  
 5 appropriated in the State budget, and for each subsequent fiscal year, up to 25  
 6 percent of the State's share of funds that would be available under the program if 100  
 7 percent of the funds not required under § 13-209(b) of the Tax - Property Article were  
 8 available for distribution as provided in § 13-209(d)(3) of the Tax - Property Article  
 9 may be used for capital improvements on land owned by the State for the use of the  
 10 Department if the improvements are:

11    (i)        Approved in the State budget; and

12    (ii)       Compatible with:

13    1.        Any master plan developed for the land; and

14    2.        The natural features of the land.

15    [(2)       (i)        For the fiscal year commencing July 1, 1996, up to 12.5% of the  
 16 State's share of funds available for capital improvements may be used to operate  
 17 State forests and parks, but only if the funds expended for operating costs do not  
 18 exceed the portion of the State allocation available under this subsection that is  
 19 derived from current revenues, as distinguished from proceeds of bond issues.

20    (ii)       For the fiscal year commencing July 1, 1997, up to \$1,000,000 of  
 21 the State's share of funds available for capital improvements may be used to operate  
 22 State forests and parks, but only if the funds expended for operating costs do not  
 23 exceed the portion of the State allocation available under this subsection that is  
 24 derived from current revenues, as distinguished from proceeds of bond issues.

25    (iii)       For the fiscal year commencing July 1, 1998, and all subsequent  
 26 fiscal years, up to \$1,200,000 of the State's share of funds available for capital  
 27 improvements may be used to operate State forests and parks, but only if the funds  
 28 expended for operating costs do not exceed the portion of the State allocation  
 29 available under this subsection that is derived from current revenues, as  
 30 distinguished from proceeds of bond issues.

31    (iv)       The only wages that can be paid with the portion of the State's  
 32 share of funds authorized under subparagraphs (ii) and (iii) of this paragraph are the  
 33 wages of employees in the State forests and parks.]

34    [(3)]       (2)        If the General Assembly amends the Budget Bill to strike out an  
 35 improvement or operating costs under this subsection submitted by the Governor, the  
 36 Governor may consider reallocating the funds through a supplemental budget for the  
 37 same fiscal year:

38    (i)        To finance specific alternative land acquisition, development  
 39 projects, or operating costs; or

1 (ii) To the Advance Option and Purchase Fund established under §  
2 5-904(b) of this subtitle.

3 **Article - State Finance and Procurement**

4 7-317.

5 (a) There is a Cigarette Restitution Fund.

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

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

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

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

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

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

24 **Article - Tax - Property**

25 13-209.

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

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

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

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

4 (ii) for the fiscal year beginning July 1, 2003, \$102,833,869 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 (iii) for the fiscal year beginning July 1, 2004, \$147,374,444 shall be  
8 allocated to the General Fund of the State, and the remainder shall be allocated as  
9 provided in the State budget.]

10 (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, 75% OF THE  
11 BALANCE SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE AND 25%  
12 SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

13 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, 66.67% OF THE  
14 BALANCE SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE AND 33.33%  
15 SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

16 (III) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, 50% OF THE  
17 BALANCE SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE AND 50%  
18 SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

19 (IV) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, 25% OF THE  
20 BALANCE SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE AND 75%  
21 SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

22 (2) Subject to subsection (e) of this section, for the fiscal years beginning  
23 July 1, [2005] 2009 and each subsequent fiscal year, the balance of the revenue in the  
24 special fund, not required under subsection (b) of this section shall be allocated as  
25 provided in subsection (d) of this section.

26 (d) Subject to subsection (e) of this section, for the fiscal year beginning July 1,  
27 2002 and for each subsequent fiscal year, the balance of the revenue in the special  
28 fund, not required under subsection (b) of this section and not allocated to the General  
29 Fund under subsection (c)(1) of this section shall be allocated in the State budget as  
30 follows:

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

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

35 (2) 17.05% for the Agricultural Land Preservation Fund established  
36 under § 2-505 of the Agriculture Article;

37 (3) 5% for the Rural Legacy Program established under § 5-9A-01 of the  
38 Natural Resources Article; and

1 (4) 1.8% for the Heritage Conservation Fund established under § 5-1501  
2 of the Natural Resources Article.

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

5 (f) (1) For any fiscal year in which the actual transfer tax revenue  
6 collections are greater than the revenue estimates used as the basis for the  
7 appropriations required under this section for the fiscal year, the amount of the  
8 excess shall be allocated to the [special fund under subsection (a) of this section as  
9 provided under subsections (c) and (d) of this section] GENERAL FUND for the second  
10 fiscal year following the fiscal year in which there is an excess.

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

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

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

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

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

#### 29 **Chapter 635 of the Acts of 2000**

30 [SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall  
31 include \$500,000 in the State budget for fiscal year 2002, and each fiscal year  
32 thereafter, for the Senior Citizens Activities Center Operating Fund.]

#### 33 **Chapter 153 of the Acts of 2002**

34 SECTION 13. AND BE IT FURTHER ENACTED, That:

35 (1) No later than June 1, 2003, the Secretary of Health and Mental Hygiene  
36 and the carrier that is required to offer the Short-Term Prescription Drug Subsidy  
37 Plan under Title 15, Subtitle 6 of the Health - General Article shall transfer all Plan  
38 records, data, and other information necessary to operate and administer the Senior

1 Prescription Drug Program established under this Act to the Board of the Maryland  
2 Health Insurance Plan.

3 (2) Each individual enrolled in the Short-Term Prescription Drug Subsidy  
4 Plan, established under Title 15, Subtitle 6 of the Health - General Article, on June  
5 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary  
6 premiums and copayments, be automatically enrolled in the Senior Prescription Drug  
7 Program established under this Act.

8 (3) It is the intent of the General Assembly that the transition of enrollees  
9 from the Short-Term Prescription Drug Subsidy Plan to the Senior Prescription Drug  
10 Program be accomplished without interruption of benefits for enrollees.

11 (4) Benefits shall be offered to enrollees through the Senior Prescription Drug  
12 Program established under Title 14, Subtitle 5, Part II of the Insurance Article  
13 beginning July 1, 2003. On [the earlier of the end of June 30, 2005] JANUARY 1, 2006,  
14 [or the availability of comparable prescription drug benefits provided by Medicare  
15 under Title XVIII of the Social Security Act, as amended, with no further action  
16 required by the General Assembly,] the Senior Prescription Drug Program  
17 established under Title 14, Subtitle 5, Part II, as amended, shall be abrogated and of  
18 no further force and effect. [If comparable prescription drug benefits are provided by  
19 Medicare under Title XVIII of the Social Security Act, the Secretary of Health and  
20 Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle,  
21 Annapolis, Maryland 21401 no later than 90 days before the prescription drug  
22 benefits are to be provided.]

23 (5) Beginning April 1, 2003, the carrier required to offer the Short-Term  
24 Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health - General  
25 Article and the Senior Prescription Drug Program under Title 14, Subtitle 5 of the  
26 Insurance Article shall subsidize the Plan and beginning July 1, 2003, the Program,  
27 using the value of the carrier's premium tax exemption.

28 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 18-401  
29 through 18-408, inclusive, and the subtitle "Subtitle 4. Senatorial Scholarships"; and  
30 18-501 through 18-507, inclusive, and the subtitle "Subtitle 5. Delegate  
31 Scholarships" of Article - Education of the Annotated Code of Maryland be repealed.

32 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 17-201  
33 through 17-205, 17-208 through 17-216, and 17-219 through 17-226, and the  
34 subtitle "Subtitle 2. Prevailing Wage Rates - Public Works Contracts" of Article -  
35 State Finance and Procurement of the Annotated Code of Maryland be repealed.

36 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the  
37 provisions of § 4-208 of Article 83A or any other provision of law, for fiscal year 2006,  
38 the appropriation to the Maryland Tourism Development Board shall be \$5,000,000.

39 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding §  
40 16-317 of the Education Article, Chapter 430 of the Acts of 2004, Chapter 440 of the  
41 Acts of 2002, as amended by Chapter 203 of the Acts of 2003, or any other provision of  
42 law, the portion of fiscal year 2002 and 2003 payments required to eligible

1 institutions under § 16-317 of the Education Article for private technology donation  
 2 incentives that are not funded in the fiscal year 2006 Budget shall be deferred until  
 3 fiscal year 2007.

4 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 5 provisions of § 16-512 of the Education Article or any other provision of law, for fiscal  
 6 year 2006, the appropriation to the Baltimore City Community College shall be  
 7 \$32,000,271.

8 SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 9 provisions of § 17-104 of the Education Article, the appropriations for fiscal year 2006  
 10 required under § 17-104 of the Education Article shall be as follows:

11	Baltimore Hebrew University	59,997
12	Baltimore International College	526,973
13	Capitol College	385,746
14	College of Notre Dame	1,370,541
15	Columbia Union College	791,446
16	George Meany Center - NCL	487,759
17	Goucher College	1,601,998
18	Hood College	1,119,196
19	Johns Hopkins University	14,908,001
20	Loyola College	4,374,695
21	Maryland Institute College of Art	1,608,224
22	McDaniel College	2,166,001
23	Mount St. Mary's College	1,550,867
24	St. John's College	605,666
25	Sojourner-Douglass College	944,438
26	Villa Julie College	2,320,290
27	Washington College	1,413,825

28 SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding §  
 29 13-1115 of the Health - General Article, for fiscal year 2006 only the amount of each  
 30 Statewide Academic Health Center Public Health Grant distributed to the University  
 31 of Maryland Medical Group or The Johns Hopkins Institutions, respectively, shall be  
 32 \$1,218,000.

33 SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 34 provisions of § 24-1105 of the Health - General Article or any other provision of law,  
 35 for fiscal year 2006, the Community Services Trust Fund may be used by the  
 36 Developmental Disabilities Administration of the Department of Health and Mental  
 37 Hygiene for the purchase of community based services for 40 individuals leaving the  
 38 Rosewood Center and 40 individuals on the waiting list for community based services.

39 SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 40 provisions of § 19-206 of the Health Occupations Article or any other provision of law,

1 for fiscal year 2006, the State Board of Social Work Examiners Fund may be used for  
 2 the costs of the social worker training academy within the Department of Human  
 3 Resources.

4 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 5 provisions of § 7-325 of the State Finance and Procurement Article or any other  
 6 provision of law, for fiscal year 2006, the State General Fund appropriation to the  
 7 State Arts Council shall be \$11,100,137.

8 SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 9 provisions of § 32-205 and § 32-206 of the State Personnel and Pensions Article, in  
 10 fiscal year 2006 the State shall not be required to make the employer contributions to  
 11 the applicable State supplemental plan for participating employees in the Optional  
 12 Defined Contribution System.

13 SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any  
 14 other provision of law, the Governor shall include in the budget bill for fiscal year  
 15 2006 a general fund appropriation in an amount not less than \$279,485 to the  
 16 Maryland Department of Aging to supplement federal grants to local agencies under  
 17 titles IIIB, IIIC1, IIIC2, and IIIE of the Older Americans Act. These funds shall be  
 18 allocated to the Area Agency on Aging as follows:

19 Allegany	\$81,092
20 MAC, Inc. - serving Dorchester, Somerset, Wicomico,	
21 and Worcester	159,134
22 Queen Anne's	6,684
23 Upper Shore Aging, Inc. - serving Caroline, Kent, and Talbot	14,874
24 Washington	17,701

25 SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any  
 26 other provision of law, the comprehensive evaluation of the Tobacco Use Prevention  
 27 and Cessation Program and the Cancer Prevention, Education, Screening, and  
 28 Treatment Program required by Section 2 of Chapter 17 of the Acts of 2000, as  
 29 amended by Chapter 420 of the Acts of 2004 shall be conducted at the end of fiscal  
 30 year 2006.

31 SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 32 provisions of Chapter 429 of the Acts of 2004 or any other provision of law, the  
 33 Governor may authorize the use of certain appropriations for the Charles H. Hickey,  
 34 Jr. School for the State operation of the facility and may transfer such appropriations  
 35 to other programs in the Department of Juvenile Services as necessary.

36 SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any  
 37 other provision of law, the proceeds and accumulated interest from the  
 38 demutualization of the MetLife Insurance Company received by the State as the  
 39 policyholder of the MetLife group term life policy, in the amount of approximately  
 40 \$13,667,896, plus interest that accrues from December 1, 2004 through the effective



1 date of this Act, shall be used to pay expenses in connection with the State Employee  
2 and Retiree Health and Welfare Benefits Program as provided in the FY 2006 Budget.

3 SECTION 17. AND BE IT FURTHER ENACTED, That if any provision of this  
4 Act or the application thereof to any person or circumstance is held invalid for any  
5 reason in a court of competent jurisdiction, the invalidity does not affect other  
6 provisions or any other application of this Act which can be given effect without the  
7 invalid provision or application, and for this purpose the provisions of this Act are  
8 declared severable.

9 SECTION 18. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 2005.