
By: Delegates Hammen and Kach, Kach, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Frank, Goldwater, Hurson, Hubbard, Kullen, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2005

CHAPTER _____

1 AN ACT concerning

2 **Nursing Facility Conversion Grant Program**

3 FOR the purpose of establishing the Nursing Facility Conversion Grant Program;
 4 authorizing the Board of Public Works, on the recommendation of the Secretary
 5 of Health and Mental Hygiene to provide grants under the Program to counties,
 6 municipal corporations, and nonprofit organizations for the conversion of
 7 nursing facility beds to certain other health care services; requiring the
 8 Department of Health and Mental Hygiene to make certain recommendations;
 9 authorizing the Board of Public Works to adopt certain regulations; providing
 10 certain terms, conditions, and limitations on the allocations, use, and amount of
 11 State grants under the Program; providing that no proceeds of a grant may be
 12 used for certain religious purposes; providing that, under certain circumstances,
 13 the State may recover a certain portion of the State funds expended; providing
 14 for certain judicial proceedings and liens to enforce the State's right of recovery
 15 and the priority of the proceedings and liens; providing that temporary
 16 delicensure of bed capacities of certain facilities do not require certificate of need
 17 review under certain circumstances; providing that the Maryland Health Care
 18 Commission shall retain certain bed capacities on its inventory under certain
 19 circumstances; requiring the Department of Health and Mental Hygiene to
 20 adopt certain regulations in consultation with the Maryland Health Care
 21 Commission and the nursing home industry; defining certain terms; and
 22 generally relating to grants for the conversion of nursing facilities.

23 BY adding to

24 Article - Health - General

1 Sections 24-1301 through 24-1308, inclusive, to be under the new subtitle
2 "Subtitle 13. Nursing Facility Conversion Grant Program"
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2004 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Health - General**

8 SUBTITLE 13. NURSING FACILITY CONVERSION GRANT PROGRAM.
9 24-1301.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "FACILITY" MEANS:

13 (1) (I) A PUBLIC NURSING FACILITY THAT IS WHOLLY OWNED BY AND
14 OPERATED UNDER THE AUTHORITY OF A COUNTY OR A MUNICIPAL CORPORATION,
15 OR BOTH; OR

16 (II) A NONPROFIT NURSING FACILITY THAT IS WHOLLY OWNED BY
17 AND OPERATED UNDER THE AUTHORITY OF A NONPROFIT ORGANIZATION;

18 (2) A FACILITY THAT MEETS THE DEFINITION OF § 19-1401 OF THIS
19 ARTICLE; AND

20 (3) A FACILITY THAT IS LICENSED BY THE DEPARTMENT.

21 (C) "NONPROFIT ORGANIZATION" MEANS:

22 (1) A BONA FIDE RELIGIOUS ORGANIZATION, NO PART OF THE
23 EARNINGS OF WHICH INURES TO THE BENEFIT OF ANY INDIVIDUAL OR IS USED FOR
24 ANY PURPOSE OTHER THAN THE MAINTENANCE AND OPERATION OF THE FACILITY,
25 THE PURCHASE OF EQUIPMENT TO BE USED IN THE FACILITY, OR THE EXPANSION OF
26 THE FACILITY; OR

27 (2) AN ORGANIZATION:

28 (I) THAT IS CHARTERED AS A NONPROFIT CORPORATION AND
29 CLASSIFIED BY THE INTERNAL REVENUE SERVICE AS NONPROFIT; AND

30 (II) NO PART OF THE EARNINGS OF WHICH INURES TO THE
31 BENEFIT OF ANY INDIVIDUAL OR IS USED FOR ANY PURPOSE OTHER THAN THE
32 MAINTENANCE AND OPERATION OF THE FACILITY, THE PURCHASE OF EQUIPMENT
33 TO BE USED IN THE FACILITY, OR THE EXPANSION OF THE FACILITY.

34 (D) "WHOLLY OWNED" INCLUDES LEASED, IF:

1 (1) (I) THE LEASE IS FOR A MINIMUM TERM OF 30 YEARS FOLLOWING
2 PROJECT COMPLETION; OR

3 (II) THE LEASE AGREEMENT EXTENDS THE RIGHT OF PURCHASE
4 TO THE LESSEE; AND

5 (2) THE LESSOR CONSENTS TO THE RECORDING, IN THE LAND RECORDS
6 OF THE POLITICAL SUBDIVISION IN WHICH THE FACILITY IS LOCATED, OF A NOTICE
7 OF THE STATE'S RIGHT OF RECOVERY, AS PROVIDED UNDER § 24-606 OF THIS
8 SUBTITLE; OR

9 (3) THE LEASE AGREEMENT IS WITH THE STATE FOR A STATE-OWNED
10 BUILDING OR STATE-OWNED PROPERTY.

11 24-1302.

12 THE BOARD OF PUBLIC WORKS, UPON RECOMMENDATION OF THE SECRETARY
13 OF THE DEPARTMENT, MAY MAKE GRANTS TO QUALIFIED APPLICANTS FOR THE
14 PURPOSE OF CONVERTING NURSING FACILITY BEDS TO OTHER HEALTH CARE
15 SERVICES DEEMED APPROPRIATE BY THE DEPARTMENT, INCLUDING THE PLANS,
16 SPECIFICATIONS, SITE IMPROVEMENT, SURVEYS, AND APPLICABLE ARCHITECTS'
17 AND ENGINEERS' FEES.

18 24-1303.

19 (A) ANY COUNTY, MUNICIPAL CORPORATION, OR NONPROFIT ORGANIZATION
20 SPONSORING A PROJECT UNDER THIS SUBTITLE MAY APPLY TO THE DEPARTMENT
21 FOR A STATE GRANT TO BE APPLIED TOWARD THE COST OF THAT PROJECT.

22 (B) THE APPLICATION SHALL BE DIRECTED TO THE SECRETARY OF THE
23 DEPARTMENT.

24 (C) ON APPROVAL OF A PROJECT AND THE PROJECT PLANS BY THE
25 DEPARTMENT, THE SECRETARY SHALL PROMPTLY REPORT THE APPLICATION TO
26 THE BOARD OF PUBLIC WORKS, TOGETHER WITH THE SECRETARY'S
27 RECOMMENDATION THAT THE BOARD OF PUBLIC WORKS MAKE FUNDS AVAILABLE
28 AS PROVIDED IN THIS SUBTITLE.

29 24-1304.

30 (A) THE ALLOCATION AND USE OF STATE FUNDS UNDER THIS SUBTITLE ARE
31 SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

32 (1) STATE FUNDS MAY BE USED ONLY FOR PROJECTS APPROVED BY THE
33 SECRETARY UNDER THIS SUBTITLE.

34 (2) (I) ANY FEDERAL GRANT THAT IS AVAILABLE FOR THIS PURPOSE
35 SHALL BE APPLIED FIRST TO A PROJECT APPROVED UNDER THIS SUBTITLE; OR

1 (II) IN THIS SUBTITLE, COMMUNITY DEVELOPMENT BLOCK
2 GRANTS SHALL BE CONSIDERED AS LOCAL MATCHING FUNDS AND MAY NOT BE
3 CONSIDERED AS FEDERAL GRANT FUNDS.

4 (B) A STATE GRANT SHALL PROVIDE UP TO 50% OF THE ELIGIBLE COST
5 REMAINING AFTER THE FEDERAL GRANT HAS BEEN APPLIED, EXCEPT AS PROVIDED
6 IN SUBSECTION (C) OF THIS SECTION.

7 (C) FOR PROJECTS DESIGNATED UNDER FEDERAL REGULATIONS, STATE
8 PLANS, OR DEPARTMENTAL REGULATIONS AS ELIGIBLE FOR POVERTY AREA
9 FUNDING, A STATE GRANT MAY COVER UP TO 75% OF THE ELIGIBLE COST
10 REMAINING AFTER ANY FEDERAL GRANTS HAVE BEEN APPLIED.

11 (D) THE AMOUNT OF THE STATE GRANT FOR ANY PROJECT SHALL BE
12 DETERMINED AFTER CONSIDERATION OF:

13 (1) ALL ELIGIBLE APPLICATIONS;

14 (2) THE TOTAL AMOUNT OF UNALLOCATED STATE FUNDS AVAILABLE AT
15 THE TIME THE APPLICATION IS RECEIVED; AND

16 (3) THE PRIORITIES OF AREA NEED ESTABLISHED BY THE DEPARTMENT.

17 (E) (1) NO PORTION OF THE PROCEEDS OF A STATE GRANT MAY BE USED:

18 (I) TO FURTHER SECTARIAN RELIGIOUS INSTRUCTION; OR

19 (II) IN CONNECTION WITH THE DESIGN, ACQUISITION, OR
20 CONSTRUCTION OF ANY BUILDINGS USED OR TO BE USED AS A PLACE OF SECTARIAN
21 RELIGIOUS WORSHIP OR INSTRUCTION.

22 (2) UPON THE REQUEST OF THE BOARD OF PUBLIC WORKS, THE
23 APPLICANT SHALL SUBMIT EVIDENCE SATISFACTORY TO THE BOARD OF PUBLIC
24 WORKS THAT NONE OF THE PROCEEDS OF THE GRANT HAVE BEEN OR ARE BEING
25 USED FOR A PURPOSE PROHIBITED BY THIS SUBTITLE.

26 24-1305.

27 (A) THE BOARD OF PUBLIC WORKS SHALL MAKE ALLOCATIONS FROM FUNDS
28 AVAILABLE UNDER THIS SUBTITLE IN ACCORDANCE WITH THIS SUBTITLE.

29 (B) THE BOARD OF PUBLIC WORKS SHALL CERTIFY THE ALLOCATIONS TO THE
30 PROPER STATE OFFICERS, AND THE TREASURER SHALL MAKE PAYMENTS TO THE
31 APPLICANT, WHEN NEEDED, FOR THE CONSTRUCTION, ACQUISITION, RENOVATION,
32 OR EQUIPPING OF A FACILITY.

33 (C) THE BOARD OF PUBLIC WORKS MAY ADOPT REGULATIONS FOR RECEIVING
34 AND CONSIDERING APPLICATIONS AND FOR DISBURSING FUNDS TO APPLICANTS.

1 24-1306.

2 (A) IN ACCORDANCE WITH THIS SECTION, THE STATE SHALL HAVE THE RIGHT
3 TO RECOVER FUNDS DISBURSED UNDER THIS SUBTITLE.

4 (B) IN THE EVENT OF FAILURE TO COMPLETE A PROJECT OR FAILURE TO
5 COMMENCE OPERATION OF A FACILITY, THE STATE MAY RECOVER FROM THE
6 RECIPIENT OF THE FUNDS DISBURSED FOR THE PROJECT OR FACILITY OR FROM THE
7 OWNER OF THE PROPERTY AN AMOUNT EQUAL TO THE AMOUNT OF STATE FUNDS
8 DISBURSED FOR THE PROJECT, TOGETHER WITH ALL COSTS AND REASONABLE
9 ATTORNEYS' FEES INCURRED BY THE STATE IN THE RECOVERY PROCEEDINGS.

10 (C) THE STATE MAY RECOVER FROM EITHER THE TRANSFEROR OR
11 TRANSFEREE OR, IN THE CASE OF A PROPERTY THAT HAS CEASED TO BE A FACILITY,
12 FROM THE OWNER, AN AMOUNT BEARING THE SAME RATIO TO THE THEN CURRENT
13 VALUE OF SO MUCH OF THE PROPERTY AS CONSTITUTED AN APPROVED PROJECT AS
14 THE AMOUNT OF THE STATE PARTICIPATION BORE TO THE TOTAL ELIGIBLE COST OF
15 THE APPROVED PROJECT, TOGETHER WITH ALL COSTS AND REASONABLE
16 ATTORNEYS' FEES INCURRED BY THE STATE IN THE RECOVERY PROCEEDINGS, IF,
17 WITHIN 30 YEARS AFTER COMPLETION OF A PROJECT, A PROPERTY FOR WHICH
18 FUNDS HAVE BEEN PAID UNDER THIS SUBTITLE:

19 (1) IS SOLD OR TRANSFERRED TO ANY PERSON, AGENCY, OR
20 ORGANIZATION THAT WOULD NOT QUALIFY AS AN APPLICANT UNDER THIS
21 SUBTITLE, OR THAT IS NOT APPROVED AS A TRANSFEREE BY THE BOARD OF PUBLIC
22 WORKS; OR

23 (2) CEASES TO BE A FACILITY AS DEFINED IN THIS SUBTITLE.

24 (D) (1) BEFORE THE STATE MAKES ANY FUNDS AVAILABLE FOR AN
25 APPROVED PROJECT, THE DEPARTMENT SHALL CAUSE A NOTICE OF THIS RIGHT OF
26 RECOVERY TO BE RECORDED IN THE LAND RECORDS OF THE COUNTY OR
27 BALTIMORE CITY IN WHICH THE PROPERTY IS LOCATED.

28 (2) THE RECORDING OF THE NOTICE:

29 (I) DOES NOT CREATE A LIEN AGAINST THE PROPERTY; BUT

30 (II) SHALL CONSTITUTE NOTICE TO ANY POTENTIAL TRANSFEREE,
31 POTENTIAL TRANSFEROR, POTENTIAL CREDITOR, OR OTHER INTERESTED PARTY OF
32 THE POSSIBILITY THAT THE STATE MAY OBTAIN A LIEN UNDER THIS SUBTITLE.

33 (E) (1) (I) THE SECRETARY OF THE BOARD OF PUBLIC WORKS MAY
34 AUTHORIZE THE DEPARTMENT TO FILE A CIVIL CLAIM, IN THE CIRCUIT COURT FOR
35 THE COUNTY OR BALTIMORE CITY IN WHICH THE PROPERTY IS LOCATED, AGAINST
36 THE OWNER OF THE PROPERTY AND ANY OTHER INTERESTED PARTIES, INCLUDING
37 ANY TRANSFEROR THAT THE STATE WISHES TO MAKE A PARTY IF:

1 1. A FAILURE TO COMPLETE THE PROJECT OR COMMENCE
2 OPERATIONS OF THE FACILITY AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION
3 HAS OCCURRED;

4 2. AN ALLEGED SALE OR TRANSFER AS DESCRIBED IN
5 SUBSECTION (C) OF THIS SECTION HAS OCCURRED; OR

6 3. A PROPERTY IS ALLEGED TO HAVE CEASED TO BE A
7 FACILITY AS DEFINED IN THIS SUBTITLE;

8 (II) THE CLAIM SHALL BE FILED WITH:

9 1. SWORN AFFIDAVITS STATING FACTS ON WHICH THE
10 ALLEGATIONS OF DEFAULT ARE BASED; AND

11 2. A DETAILED JUSTIFICATION OF THE AMOUNT CLAIMED.

12 (2) IF THE CIRCUIT COURT DETERMINES FROM THE STATE'S INITIAL
13 FILING THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A DEFAULT HAS
14 OCCURRED, PENDING FULL DETERMINATION OF THE STATE'S CLAIM, THE COURT
15 SHALL AUTHORIZE A TEMPORARY LIEN ON THE PROPERTY:

16 (I) IN THE AMOUNT OF THE STATE'S CLAIM PLUS ANY ADDITIONAL
17 AMOUNT ESTIMATED TO BE NECESSARY TO COVER THE COSTS AND REASONABLE
18 ATTORNEYS' FEES INCURRED BY THE STATE; OR

19 (II) IN OTHER AMOUNTS THAT THE COURT DETERMINES TO BE
20 REASONABLE.

21 (3) (I) A TEMPORARY LIEN SHALL TAKE EFFECT:

22 1. ON THE DATE OF THE COURT'S AUTHORIZATION, IF THE
23 SECRETARY OF THE BOARD OF PUBLIC WORKS RECORDS A NOTICE OF TEMPORARY
24 LIEN IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY IN WHICH THE
25 PROPERTY IS LOCATED WITHIN 10 DAYS AFTER THE COURT'S AUTHORIZATION; OR

26 2. ON THE DATE A NOTICE OF TEMPORARY LIEN IS
27 RECORDED.

28 (II) WHILE THE TEMPORARY LIEN IS IN EFFECT, THE OWNER OR
29 ANY PERSON WHO ACQUIRED AN INTEREST IN THE PROPERTY AFTER THE STATE
30 FIRST MADE FUNDS AVAILABLE IN CONNECTION WITH THE PROPERTY MAY NOT
31 WITHOUT THE PRIOR WRITTEN CONSENT OF THE STATE:

32 1. TAKE ANY ACTION THAT WOULD AFFECT THE TITLE TO
33 THE PROPERTY; OR

34 2. INSTITUTE ANY PROCEEDINGS TO ENFORCE A SECURITY
35 INTEREST OR OTHER SIMILAR RIGHTS IN THE PROPERTY.

1 (4) (I) THE OWNER OF THE PROPERTY OR ANY OTHER INTERESTED
2 PARTY MAY OBTAIN RELEASE OF A TEMPORARY LIEN AT ANY TIME BY FILING WITH
3 THE COURT A BOND SECURING THE PAYMENT IN FULL OF THE STATE'S CLAIM AND
4 ANY ADDITIONAL AMOUNT NECESSARY TO COVER THE COSTS AND REASONABLE
5 ATTORNEYS' FEES INCURRED BY THE STATE.

6 (II) THE OWNER OR OTHER INTERESTED PARTY MAY CAUSE THE
7 RELEASE TO BE RECORDED IN THE LAND RECORDS.

8 (F) PROCEEDINGS TO DETERMINE THE STATE'S RIGHT TO RECOVER AND THE
9 AMOUNT OF ITS RECOVERY UNDER THIS SUBTITLE SHALL HAVE PRIORITY OVER
10 OTHER CIVIL PROCEEDINGS IN THE CIRCUIT COURTS.

11 (G) (1) (I) AT THE CONCLUSION OF FULL ADVERSARY PROCEEDINGS ON
12 THE ISSUE OF DEFAULT AND OF ANY DISPUTES OVER THE AMOUNT OF THE STATE'S
13 RECOVERY, THE CIRCUIT COURT SHALL, IF IT FINDS THAT A DEFAULT HAS
14 OCCURRED, ISSUE A FINAL JUDGMENT FOR THE AMOUNT IT FINDS TO BE
15 RECOVERABLE BY THE STATE.

16 (II) ALL PARTIES INVOLVED IN THE DEFAULT, INCLUDING IN
17 EVERY CASE THE OWNER OF THE PROPERTY, SHALL BE HELD JOINTLY AND
18 SEVERALLY LIABLE TO THE STATE FOR THE AMOUNT OF THE JUDGMENT.

19 (2) (I) EXCEPT AS THE STATE MAY OTHERWISE PROVIDE BY A
20 WRITTEN SUBORDINATION AGREEMENT, IF THE AMOUNT OF THE FINAL JUDGMENT
21 REMAINS UNPAID AFTER 30 DAYS FOLLOWING THE COURT'S FINAL ORDER, THE
22 FINAL JUDGMENT SHALL CONSTITUTE A LIEN ON THE PROPERTY, SUPERIOR TO THE
23 LIEN OR OTHER INTEREST OF A MORTGAGEE, PLEDGEE, PURCHASER, OR JUDGMENT
24 CREDITOR WHOSE INTEREST BECAME PERFECTED AGAINST THIRD PERSONS AFTER
25 THE STATE FIRST MADE FUNDS AVAILABLE UNDER THIS SUBTITLE.

26 (II) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, A LIEN
27 TAKES EFFECT ON THE DATE A NOTICE OF LIEN IS RECORDED.

28 2. A LIEN TAKES EFFECT ON THE 31ST DAY FOLLOWING THE
29 COURT'S FINAL ORDER IF THE SECRETARY OF THE BOARD OF PUBLIC WORKS
30 RECORDS A NOTICE OF LIEN IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE
31 CITY IN WHICH THE PROPERTY IS LOCATED ON OR BEFORE THE 41ST DAY
32 FOLLOWING THE FINAL ORDER.

33 (III) 1. AT THE TIME THAT A LIEN TAKES EFFECT, ANY
34 TEMPORARY LIEN THEN IN EFFECT SHALL BE AUTOMATICALLY AND FULLY
35 RELEASED.

36 2. THE RECORDED NOTICE OF A LIEN SHALL CONSTITUTE
37 NOTICE OF THE RELEASE OF A TEMPORARY LIEN.

38 (IV) A LIEN IMPOSED UNDER THIS SUBSECTION MAY BE ENFORCED
39 AND FORECLOSED IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN THE

1 MARYLAND RULES, EXCEPT THAT NEITHER THE STATE NOR ANY AGENT APPOINTED
2 BY THE STATE TO SELL THE PROPERTY NEED FILE A BOND.

3 (3) (I) THE OWNER OR ANY OTHER INTERESTED PARTY MAY OBTAIN
4 RELEASE OF A LIEN AT ANY TIME BY PAYING TO THE STATE THE FULL AMOUNT OF
5 THE JUDGMENT RENDERED BY THE CIRCUIT COURT, TOGETHER WITH INTEREST
6 FROM THE DATE OF JUDGMENT.

7 (II) ON PAYMENT IN FULL, THE SECRETARY OF THE BOARD OF
8 PUBLIC WORKS SHALL CAUSE A RELEASE TO BE RECORDED IN THE LAND RECORDS.

9 (4) IF THE CIRCUIT COURT FINDS THAT THERE HAS BEEN NO DEFAULT
10 OR IF THE FULL AMOUNT OF THE COURT'S JUDGMENT IS PAID TO THE STATE WITHIN
11 30 DAYS AFTER THE COURT'S FINAL ORDER, A TEMPORARY LIEN THEN IN EFFECT
12 SHALL BE RELEASED IMMEDIATELY AND THE SECRETARY OF THE BOARD OF PUBLIC
13 WORKS SHALL CAUSE THE RELEASE TO BE RECORDED IN THE LAND RECORDS.

14 (H) (1) ALL FUNDS RECOVERED AS A RESULT OF THIS RIGHT OF RECOVERY
15 SHALL BE DEPOSITED IN THE ANNUITY BOND FUND AND APPLIED TO THE DEBT
16 SERVICE REQUIREMENTS OF THE STATE.

17 (2) IF THE BOARD OF PUBLIC WORKS DETERMINES THAT THERE IS
18 GOOD CAUSE FOR RELEASING THE TRANSFEROR, TRANSFEREE, OR OWNER FROM
19 THE OBLIGATION IMPOSED UNDER THIS SUBTITLE, THE BOARD OF PUBLIC WORKS
20 MAY WAIVE THE STATE'S RIGHT OF RECOVERY UNDER THIS SUBTITLE.

21 24-1307.

22 (A) A TEMPORARY DELICENSURE OF LICENSED BED CAPACITY OF A FACILITY
23 UNDER THIS SUBTITLE DOES NOT REQUIRE A CERTIFICATE OF NEED REVIEW.

24 (B) THE MARYLAND HEALTH CARE COMMISSION SHALL RETAIN THE BED
25 CAPACITY OF A FACILITY ON ITS INVENTORY FOR UP TO ~~3~~ 2 YEARS, PROVIDED THAT
26 THE OWNER OR LICENSED OPERATOR OF THE FACILITY PROVIDES WRITTEN NOTICE
27 TO THE COMMISSION AT LEAST 30 DAYS BEFORE THE PROPOSED TEMPORARY
28 DELICENSURE.

29 24-1308.

30 THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND HEALTH CARE
31 COMMISSION AND THE NURSING HOME INDUSTRY, SHALL ADOPT REGULATIONS TO
32 IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2005.

