

SB0172/379935/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 172
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “and Young” and substitute “Young, Augustine, Corderman, Eckardt, Edwards, Elfreth, Griffith, Guzzone, Hershey, Jennings, Kelley, King, Klausmeier, McCray, Peters, Rosapepe, Salling, and Zucker”; in line 3, after the first “of” insert “establishing a Pathways to Health Equity Program in the Community Health Resources Commission; providing for the purpose of the Program; requiring the Program to provide grant funding for a certain purpose; requiring the Commission to issue a certain request for proposals and establish certain criteria; providing for the duration of certain grants; requiring the Commission to give certain consideration to certain proposals; requiring certain staff support for the Commission; requiring the Commission to report to the Governor and the General Assembly on or before certain dates; establishing a Pathways to Health Equity Fund in the Commission as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Commission to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; altering the purposes of the Maryland Health Benefit Exchange Fund; altering the purposes for which the Maryland Health Benefit Exchange Fund may be used; requiring the Governor to transfer and appropriate a certain amount to the Health Equity Resource Community Reserve Fund in certain fiscal years”; in the same line, strike “Secretary of Health” and substitute “Community Health Resources Commission”; in line 5, after “authorizing” insert “, beginning on a certain date.”; in lines 5, 9, 16, 21, and 23, strike “Secretary” and substitute “Commission”; in line 6, strike “Secretary to consult with the”; in line 7, after

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“Disparities” insert “to provide certain technical assistance in implementing certain provisions of this Act; requiring any other unit in the Maryland Department of Health to provide certain assistance at the request of the Commission”; strike beginning with “requiring” in line 8 down through “Act;” in line 9; in line 10, after the first “Committee” insert “on or before a certain date”; in line 11, strike “cochairs” and substitute “chair”; in line 14, after “expenses;” insert “authorizing the Commission to convene certain working and advisory groups;”; in the same line, after the second “authorizing” insert “federally qualified health centers;”; in line 19, strike “authorizing” and substitute “requiring”; in line 20, after “employee;” insert “authorizing nonprofit community-based organizations, nonprofit hospitals, institutions of higher education, federally qualified health centers, and local government agencies to contract with a historically black college or university in the State to provide certain services under certain circumstances;”; in line 25, strike “Secretary’s” and substitute “Commission’s”; in line 27, strike “tax credits”; and in the same line, strike the commas.

On page 2, in lines 2, 11, and 12, in each instance, strike “Secretary” and substitute “Commission”; strike beginning with “requiring” in line 3 down through “programs;” in line 5; in line 10, after “education,” insert “federally qualified health centers;”; strike beginning with “authorizing” in line 14 down through “Fund;” in line 26; strike beginning with “providing” in line 27 down through “Act;” in line 28 and substitute “making this Act an emergency measure; providing for the termination of certain provisions of this Act”; in line 32, after “Section” insert “19–2112; and”; and after line 35, insert:

“BY repealing and reenacting, without amendments,
Article - Insurance
Section 31-107(a)
Annotated Code of Maryland

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BY repealing and reenacting, with amendments,

Article - Insurance

Section 31-107(b) and (f)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)”.

On page 3, strike in their entirety lines 7 through 16, inclusive.

AMENDMENT NO. 2

On page 3, after line 31, insert:

“19-2112.

(A) (1) THE COMMISSION SHALL ESTABLISH A PATHWAYS TO HEALTH EQUITY PROGRAM.

(2) (I) THE PURPOSE OF THE PROGRAM IS TO PROVIDE THE FOUNDATION AND GUIDANCE FOR A PERMANENT HEALTH EQUITY RESOURCE COMMUNITY PROGRAM UNDER TITLE 20, SUBTITLE.

(II) CRISP SHALL PROVIDE TECHNICAL ASSISTANCE TO THE COMMISSION BY MAINTAINING A DATA SET AND SUPPORTING PROGRAM EVALUATION FOR THE PROGRAM.

(3) (I) THE PROGRAM SHALL PROVIDE GRANT FUNDING TO REDUCE HEALTH DISPARITIES, IMPROVE HEALTH OUTCOMES, IMPROVE ACCESS TO PRIMARY CARE, PROMOTE PRIMARY AND SECONDARY PREVENTION

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SERVICES, AND REDUCE HEALTH CARE COSTS AND HOSPITAL ADMISSIONS AND READMISSIONS.

(II) THE COMMISSION SHALL ISSUE A REQUEST FOR PROPOSALS FOR APPLICANTS WITH PROPOSALS FOR PROGRAMS THAT:

1. ADDRESS THE CRITERIA LISTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

2. DEMONSTRATE HOW THE PROPOSED PROGRAM COULD BE SELF-SUSTAINABLE AS A HEALTH EQUITY RESOURCE COMMUNITY UNDER TITLE 20, SUBTITLE 14 OF THIS ARTICLE.

(III) THE COMMISSION SHALL ESTABLISH THE CRITERIA TO QUALIFY FOR GRANT FUNDING UNDER THIS SUBSECTION.

(IV) GRANTS AWARDED THROUGH THE PROGRAM SHALL BE FOR 2 YEARS.

(V) THE COMMISSION SHALL GIVE SPECIAL CONSIDERATION TO PROPOSALS FROM AREAS PREVIOUSLY DESIGNATED AS A HEALTH ENTERPRISE ZONE.

(4) ONE ADDITIONAL STAFF SHALL BE ADDED TO THE COMMISSION TO PROVIDE STAFF SUPPORT FOR THE PROGRAM.

(5) (I) ON OR BEFORE DECEMBER 1, 2021, THE COMMISSION SHALL ISSUE AN INTERIM REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY

ON THE GRANTS AWARDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, INCLUDING:

1. A LIST AND SUMMARY OF THE GRANTS AWARDED;
2. AN OVERVIEW OF KEY INTERVENTIONS IN THE GRANTS AWARDED;
3. SPECIFIC HEALTH DISPARITIES THAT WILL BE ADDRESSED BY THE GRANTS; AND
4. KEY MEASURES TO EVALUATE THE IMPACT OF EACH GRANT.

(II) ON OR BEFORE JANUARY 1, 2023, THE COMMISSION SHALL ISSUE A FINAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

1. THE GRANTS AWARDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, INCLUDING A DESCRIPTION OF THE GRANTEE'S PROGRAM AND ANY DATA RELATED TO COST SAVINGS ACHIEVED UNDER THE PROGRAM;
2. OPTIONS TO DEVELOP, SUSTAIN, AND ESTABLISH A PERMANENT HEALTH EQUITY RESOURCE COMMUNITY PROGRAM IN THE DEPARTMENT;
3. COST-EFFECTIVE WAYS TO MEASURE THE IMPACT OF A HEALTH EQUITY RESOURCE COMMUNITY;

4. WORKFORCE AND RECRUITMENT STRATEGIES TO BE USED BY A HEALTH EQUITY RESOURCE COMMUNITY; AND

5. ANY RECOMMENDATIONS, INCLUDING LEGISLATIVE RECOMMENDATIONS, RELATED TO HEALTH EQUITY RESOURCES COMMUNITIES ESTABLISHED UNDER TITLE 20, SUBTITLE 14 OF THE HEALTH – GENERAL ARTICLE.

(B) (1) THERE IS A PATHWAYS TO HEALTH EQUITY FUND IN THE COMMISSION.

(2) THE PURPOSE OF THE FUND IS TO IMPLEMENT THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION THROUGH GRANT FUNDING AND STAFF SUPPORT.

(3) THE COMMISSION SHALL ADMINISTER THE FUND.

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

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) THE \$14,000,000 AUTHORIZED FOR THE COMMISSION UNDER CHAPTER 39 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2021; AND

(II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

(7) THE FUND MAY BE USED ONLY TO IMPLEMENT THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION AND TO EVALUATE THE IMPACT OF GRANTS AWARDED UNDER THE PROGRAM.

(8) (I) MONEY EXPENDED FROM THE FUND TO IMPLEMENT THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION AND TO EVALUATE THE IMPACT OF GRANTS AWARDED UNDER THE PROGRAM IS NOT INTENDED TO SUPPLANT FUNDING THAT IS APPROPRIATED TO THE COMMISSION IN ACCORDANCE WITH § 14-106(D)(2)(II) OF THE INSURANCE ARTICLE AND DEPOSITED IN THE COMMUNITY HEALTH RESOURCES COMMISSION FUND FOR THE PURPOSES SET FORTH UNDER § 19-2201 OF THIS TITLE.

(II) THE FUND MAY NOT BE COMMINGLED OR COMBINED WITH THE COMMUNITY HEALTH RESOURCES COMMISSION FUND.

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

Article – Insurance

31-107.

(a) There is a Maryland Health Benefit Exchange Fund.

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(b) (1) The purpose of the Fund is to:

(i) provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this subtitle; [and]

(ii) provide funding for the establishment and operation of the State Reinsurance Program authorized under this subtitle; AND

(III) PROVIDE FUNDING FOR THE ESTABLISHMENT AND OPERATION OF HEALTH EQUITY RESOURCE COMMUNITIES UNDER TITLE 20, SUBTITLE 14 OF THE HEALTH – GENERAL ARTICLE.

(2) The operation and administration of the Exchange and the State Reinsurance Program may include functions delegated by the Exchange to a third party under law or by contract.

(f) (1) The Fund may be used only:

[(1)] (I) for the operation and administration of the Exchange in carrying out the purposes authorized under this subtitle; [and]

[(2)] (II) for the establishment and operation of the State Reinsurance Program; AND

(III) FOR APPROPRIATIONS TO THE HEALTH EQUITY RESOURCE COMMUNITY RESERVE FUND UNDER § 20-1407 OF THE HEALTH – GENERAL ARTICLE.

(2) IN EACH OF FISCAL YEARS 2023 THROUGH 2025, THE GOVERNOR SHALL:

(I) TRANSFER \$15,000,000 TO THE HEALTH EQUITY RESOURCE COMMUNITY RESERVE FUND; AND

(II) INCLUDE THE FUNDS TRANSFERRED IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH IN THE ANNUAL BUDGET BILL AS AN APPROPRIATION TO THE HEALTH EQUITY RESOURCE COMMUNITY RESERVE FUND UNDER § 20-1407 OF THE HEALTH – GENERAL ARTICLE.

Article – Health – General’.

AMENDMENT NO. 3

On page 4, after line 3, insert “(C) “COMMISSION” MEANS THE COMMUNITY HEALTH RESOURCES COMMISSION.”; in lines 4, 6, 8, 10, and 15, strike “(C)”, “(D)”, “(E)”, “(F)” and “(G)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)” and “(H)”, respectively.

On page 5, in lines 5, 16, and 17, strike “(H)”, “(I)”, and “(J)”, respectively, and substitute “(I)”, “(J)”, and “(K)”, respectively; and in line 13, strike “SECRETARY” and substitute “COMMISSION”.

On page 6, in lines 3, 13, and 22, in each instance, strike “SECRETARY” and substitute “COMMISSION”; in line 7, after “(2)” insert “(I)”; in the same line, strike “SECRETARY SHALL CONSULT WITH THE”; in line 8, after “DISPARITIES” insert “SHALL PROVIDE TECHNICAL ASSISTANCE TO THE COMMISSION”; after line 9, insert:

“(II) AT THE REQUEST OF THE COMMISSION, ANY OTHER UNIT IN THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE COMMISSION IN IMPLEMENTING THE PROVISIONS OF THIS SUBTITLE.”;

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strike beginning with “**THE**” in line 10 down through “**NECESSARY**” in line 11 and substitute “**TWO ADDITIONAL STAFF SHALL BE ADDED TO THE COMMISSION**”; in line 13, strike “**DECEMBER**” and substitute “**JULY**”; strike beginning with “**ELIGIBILITY**” in line 17 down through “**PROCESSES**” in line 18 and substitute “**PROGRAM EVALUATION AND DATA COLLECTION METRICS**”; in line 20, strike “**COORDINATING WITH THE SECRETARY AS TO**” and substitute “**ASSISTING THE COMMISSION IN PREPARING**”; in line 21, after “**SUBTITLE**” insert “**AND § 19–2112 OF THIS ARTICLE**”; in the same line, strike “**AND**”; in line 22, before “**PROVIDING**”, insert “**PROPOSING STRATEGIES FOR TAX INCENTIVES AND LOAN REPAYMENTS TO ASSIST HEALTH EQUITY RESOURCE COMMUNITIES IN ACHIEVING THEIR MISSION; AND**

(IV)”;

in the same line, after “**GUIDANCE**” insert “**, AS DETERMINED BY THE COMMISSION,**”;
after line 24, insert:

(1) THE CHAIR OF THE COMMUNITY HEALTH RESOURCES COMMISSION, OR THE CHAIR’S DESIGNEE;

(2) THE DIRECTOR OF THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES, OR THE DIRECTOR’S DESIGNEE;”;

in line 25, strike “**(1)**” and substitute “**(3) THREE MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING:**

(1) ONE INDIVIDUAL REPRESENTING THE MARYLAND DEPARTMENT OF HEALTH; AND

(II) ONE INDIVIDUAL WITH EXPERTISE IN HEALTH CARE FINANCING;

(4) THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE, INCLUDING:

(I) ONE INDIVIDUAL WITH EXPERTISE IN THE SOCIAL DETERMINANTS OF HEALTH; AND

(II) ONE INDIVIDUAL WHO IS A MEMBER OF THE GENERAL PUBLIC RESIDING IN AN AREA THAT HAS BEEN OR MAY BE DESIGNATED A HEALTH EQUITY RESOURCE COMMUNITY; AND

(5) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE, INCLUDING:

(I) ONE INDIVIDUAL WITH EXPERTISE IN HEALTH EQUITY; AND

(II) ONE INDIVIDUAL WHO IS A MEMBER OF THE GENERAL PUBLIC RESIDING IN AN AREA THAT HAS BEEN OR MAY BE DESIGNATED A HEALTH EQUITY RESOURCE COMMUNITY.”.

On pages 6 through 8, strike beginning with “THE FOLLOWING” in line 25 on page 6 down through “COMMUNITY.” in line 18 on page 8.

On page 9, in line 1, strike “AND”; in line 2, after “PERSPECTIVES” insert “;AND”

(VII) INNOVATIVE WAYS TO ADDRESS SOCIAL DETERMINANTS OF HEALTH THROUGH THE USE OF COMMUNITY HEALTH WORKERS”;

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in line 5, after “ETHNIC,” insert “GEOGRAPHIC,”; strike in their entirety lines 6 and 7 and substitute:

“(3) THE CHAIR OF THE MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION SHALL CHAIR THE ADVISORY COMMITTEE.”;

and in lines 10 and 17, in each instance, strike “SECRETARY” and substitute “COMMISSION”.

On page 10, strike lines 1 through 3, inclusive, and substitute:

“(G) THE COMMISSION MAY CONVENE WORKING OR ADVISORY GROUPS TO FACILITATE THE IMPLEMENTATION OF THIS SUBTITLE THAT SHALL INCLUDE INDIVIDUALS WHO RESIDE IN AN AREA THAT HAS BEEN OR MAY BE DESIGNATED AS A HEALTH EQUITY RESOURCE COMMUNITY.”;

in line 7, after “EDUCATION,” insert “A FEDERALLY QUALIFIED HEALTH CENTER,”; in line 8, strike “SECRETARY” and substitute “COMMISSION”; in line 8, strike “APPLY” and substitute “:

(1) APPLY”;

in line 9, after “DESIGNATION” insert “; AND

(2) INCLUDE FEDERALLY QUALIFIED HEALTH CENTERS OR OTHER COMMUNITY-BASED ORGANIZATIONS TO PROVIDE HEALTH OR WRAPAROUND SUPPORT SERVICES WITHIN THE HEALTH EQUITY RESOURCE COMMUNITY”;

in line 12, strike “SECRETARY” and substitute “COMMISSION”; after line 16, insert:

“(I) A DESCRIPTION OF HOW THE PLAN WILL EXPAND
FEDERALLY QUALIFIED HEALTH CENTERS’ OR OTHER COMMUNITY-BASED
ORGANIZATIONS’ CAPACITY TO PROVIDE HEALTH CARE SERVICES OR
WRAPAROUND SERVICES TO ADDRESS SOCIAL DETERMINANTS OF HEALTH; AND”;

and in line 17, strike “(I)” and substitute “(II)”.

On page 11, strike beginning with “;” in line 5 down through “AREA” in line 8; strike beginning with “A” in line 10 down through “AREA” in line 13 and substitute “A PROPOSAL TO USE FUNDING AVAILABLE UNDER THIS SUBTITLE TO PROVIDE FOR LOAN REPAYMENT INCENTIVES TO INDUCE HEALTH CARE PRACTITIONERS TO PRACTICE IN THE AREA”; in line 29, strike “THE SECRETARY SHALL” and substitute “ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION SHALL ISSUE A REQUEST FOR PROPOSALS TO”; and in line 31, strike “SECRETARY” and substitute “COMMISSION”.

On page 12, in lines 7, 12, and 25, in each instance, strike “SECRETARY” and substitute “COMMISSION”; in line 17, strike “SUSTAINABILITY” and substitute “SELF-SUSTAINABILITY”; in line 24, strike “AND”; in line 27, after “OUTCOMES” insert “; AND”.

(7) A PREVIOUS DESIGNATION AS A HEALTH ENTERPRISE ZONE OR INCLUSION OF AREAS PREVIOUSLY INCLUDED IN A HEALTH ENTERPRISE ZONE”;

in line 30, after “EDUCATION,” insert “A FEDERALLY QUALIFIED HEALTH CENTER,”.

On page 13, strike beginning with “SECRETARY” in line 6 down through “COMMITTEE” in line 7 and substitute “COMMISSION”; in line 11, strike “SECRETARY AND THE HEALTH EQUITY RESOURCE ADVISORY COMMITTEE” and substitute

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“COMMISSION”; in lines 14, 16, 18, 26, and 28, in each instance, strike “**SECRETARY**” and substitute “COMMISSION”; in line 14, after “**(D)**” insert “NOTWITHSTANDING THE REQUIREMENT TO HIRE A FULL-TIME EMPLOYEE TO SERVE AS AN EVALUATOR UNDER SUBSECTION (C) OF THIS SECTION, A NONPROFIT COMMUNITY-BASED ORGANIZATION, A NONPROFIT HOSPITAL, AN INSTITUTION OF HIGHER EDUCATION, A FEDERALLY QUALIFIED HEALTH CENTER, OR A LOCAL GOVERNMENT AGENCY MAY CONTRACT WITH A HISTORICALLY BLACK COLLEGE OR UNIVERSITY IN THE STATE TO PROVIDE EVALUATOR SERVICES.”

(E)”;

in line 16, strike “**(E)**” and substitute “**(F)**”; strike beginning with the colon in line 21 down through “**LOAN**” in line 24 and substitute “LOAN”.

On page 14, in line 12, after “**EDUCATION,**” insert “A FEDERALLY QUALIFIED HEALTH CENTER,”; in lines 16, 23, and 27, in each instance, strike “**SECRETARY**” and substitute “COMMISSION”; in line 20, after “**EDUCATION,**” insert “A FEDERALLY QUALIFIED HEALTH CENTER,”; in line 28, strike “**OR TAX CREDITS**”; and in line 30, after “**EDUCATION,**” insert “FEDERALLY QUALIFIED HEALTH CENTERS,”.

On page 15, in line 2, strike “**TO THE DEPARTMENT**”; in lines 6 and 29, in each instance, strike “**SECRETARY**” and substitute “COMMISSION”; strike beginning with “**10%**” in line 15 down through “**(2)**” in line 17; in line 17, after “**FUND**” insert “IN ACCORDANCE WITH § 31-107 OF THE INSURANCE ARTICLE”; in lines 18 and 19, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively; and strike beginning with “**THE**” in line 21 down through “**THE**” in line 28 and substitute “THE”.

On page 16, in line 2, strike “**OR TAX CREDITS**”; in lines 9, 13, and 15, strike “**(H)**”, “**(I)**”, and “**(J)**”, respectively, and substitute “**(G)**”, “**(H)**”, and “**(I)**”, respectively;

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in lines 16, 25, and 30, in each instance, strike “**SECRETARY**” and substitute “**COMMISSION**”; in line 20, strike “**ON OR BEFORE SEPTEMBER 15 EACH YEAR, EACH**” and substitute “**EACH**”; in line 22, after “**EDUCATION,**” insert “**FEDERALLY QUALIFIED HEALTH CENTER,**”; in line 27, strike “**AND**”; in line 29, after “**YEAR**” insert “**; AND**”

(III) ANY OTHER INFORMATION AS REQUESTED BY THE COMMISSION.

(2) THE REPORTING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED PERIODICALLY IN ACCORDANCE WITH A SCHEDULE DETERMINED BY THE COMMISSION”;

in line 30, strike “**(2)**” and substitute “**(3)**”; and in line 32, after “**EDUCATION,**” insert “**FEDERALLY QUALIFIED HEALTH CENTER,**”.

On page 17, in lines 1 and 3, in each instance, strike “**SECRETARY**” and substitute “**COMMISSION**”; and in line 9, strike “**TAX AND**”.

On pages 18 through 23, strike in their entirety the lines beginning with line 13 on page 18 through line 16 on page 23, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly and shall take effect from the date it is enacted. Section 1 of this Act shall remain effective through June 30, 2023, and, at the end of June 30, 2023, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.