

CHAPTER 6

(House Bill 5)

AN ACT concerning

Transportation and State Investment Act

FOR the purpose of ~~altering the motor fuel tax rates for certain motor fuel; providing for certain increases in the motor fuel tax rates for certain motor fuel for certain periods under certain circumstances; requiring the Comptroller to make certain determinations and announcements; providing for the payment of certain taxes on certain tax paid motor fuel held as of certain dates; increasing the maximum allowable aggregate amount of outstanding and unpaid consolidated transportation bonds and bonds of prior issues; altering the tobacco tax rate for cigarettes; imposing a State admissions and amusement tax on the net proceeds derived from the operation of certain bingo games and tip jars; providing for the distribution of certain admissions and amusement tax revenue; altering the maximum rate of the admissions and amusement tax that a county or municipal corporation may set for gross receipts that are also subject to the State sales and use tax; altering the rate of the sales and use tax; altering the sales and use tax rate for the sale of a right to occupy a room or lodgings as a transient guest; altering the percentage of gross receipts from vending machine sales to which the sales and use tax rate applies; repealing a prohibition against certain advertisements or statements by vendors regarding the payment of the sales and use tax; authorizing vendors to assume or absorb all or any part of the sales and use tax imposed on a retail sale or use and to pay that sales and use tax on behalf of the buyer; altering the calculation of a certain credit relating to collecting and paying the sales and use tax; altering the definition of "taxable service" under the sales and use tax to impose the tax on certain services; designating a certain period ~~each year~~ *in certain fiscal years* to be a tax-free period during which an exemption from the sales and use tax is provided for the sale of certain appliances and products that meet or exceed certain applicable energy efficiency guidelines and certain solar water heaters; designating a certain period ~~each year~~ *in certain fiscal years* to be a tax-free period during which a certain sales and use tax exemption for the sale of certain clothing or footwear is provided; providing for the distribution of certain sales and use tax revenues to the Transportation Trust Fund; providing for the pledging of certain revenues for certain purposes; *increasing the maximum allowable aggregate amount of outstanding and unpaid consolidated transportation bonds and bonds of prior issues; altering the definition of "total purchase price" for purposes of the vehicle excise tax to exclude from the computation of the tax, subject to a certain limitation, half the value of a vehicle traded in as part of the consideration for the sale of a vehicle; establishing a Chesapeake Bay 2010 Trust Fund in the Department of Natural Resources as a special fund to be used*~~

for certain purposes; providing for the distribution of certain transportation tax revenues to the a certain Fund; establishing a certain special fund to be used to support tourism, the arts, and other cultural activities; altering the vehicle excise tax rate for certain motor vehicles, trailers, and semitrailers; setting the amount of certain fees imposed for issuance of a certificate of title for a motor vehicle; altering the distribution of certain revenues to a certain account in the Transportation Trust Fund; altering the distribution of the revenue collected from the sales and use tax on short-term vehicle rentals; altering the distribution of the income tax revenue from corporations; altering the distribution of revenue collected from the motor fuel tax; altering the distribution of certain moneys received under the Maryland Vehicle Law; altering the distribution of revenue collected from certain special license tag fees; altering the distribution of revenue collected from certain security interest filing fees; requiring the Governor to include certain appropriations in the budget bill for each fiscal year; defining a certain term; providing for the distribution of certain sales and use tax revenue collected for a certain period to a certain special fund; repealing an certain obsolete provision provisions of law; stating the intent of the General Assembly that the Maryland Department of Transportation provide a certain report to certain committees and that certain revenues not be included in certain fiscal years budgets until a certain time include certain information in a separate section of a certain Consolidated Transportation Program; requiring the Comptroller to adopt regulations to exempt from a certain rate increase certain sales related to contracts entered into prior to a certain date; providing for the application of the tobacco tax to certain cigarettes; making a provision of this Act subject to a certain contingency; providing for the application of certain provisions of this Act; providing for the effective date of this Act; and generally relating to tax revenues and transportation financing and revenues to be collected and distributed to the Transportation Trust Fund.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section ~~2-202, 2-1104, 2-1302.1, 2-1303, 9-305, 2-1104, 2-1302.2, 2-1303, 4-105(b), 11-101(m), 11-104(a) and (b), 11-105, 11-226, 11-228, 11-301, 11-302, 11-402, 11-601(b)(1), and 12-105(a)~~

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Tax – General

Section 2-1302.2, 4-102(d), and 4-105(a-1)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, ~~with without~~ *with* amendments,

Article – Transportation

Section 3-202, 3-215(b), and 8-402
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~13-809(e)(1) 3-215~~ 13-613(d), 13-802, and 13-809(a)(3) and (c)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13-809(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9-1104
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

~~BY adding to
Article – Environment
Section 9-1605.3
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)~~

BY adding to
Article – Natural Resources
Section 4-209(k) ~~and 8-205~~
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Natural Resources
Section 8-205 and 8-707(d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing
Article – State Finance and Procurement
Section 7-313
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

~~BY adding to~~

~~Article – State Finance and Procurement
Section 7-328
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~

~~Article – Tax – General
Section 2-1302.2, 11-101(e-1), and 11-104(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Tax – General
Section 2-614, 2-1103, and 2-1302.1
Section 2-1104, 2-1302.1, and 2-1303
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)~~

~~BY repealing~~

~~Article – Tax – General
Section 2-1102 and 2-1104
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Transportation
Section 8-402
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Transportation
Section 12-118(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Transportation
Section 12-118(b) and 13-613(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)~~

BY repealing

Article – Transportation
Section 13-208 and 13-613(e)
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Article – Tax – General

~~4-105.~~

~~2-202.~~

After making the distribution required under § 2-201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) THE REVENUE FROM THE STATE ADMISSIONS AND AMUSEMENT TAX ON ELECTRONIC BINGO AND ELECTRONIC TIP JARS UNDER § 4-102(D) OF THIS ARTICLE TO THE GENERAL FUND OF THE STATE; AND

(2) the remaining admissions and amusement tax revenue:

[(1)] (I) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

[(2)] (II) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

[(i)] 1. 80% of that revenue to the Authority; and

[(ii)] 2. 20% to the county or municipal corporation.

~~4-102.~~

(D) (1) IN THIS SUBSECTION, “NET PROCEEDS” MEANS THE TOTAL RECEIPTS FROM THE OPERATION OF AN ELECTRONIC BINGO MACHINE OR ELECTRONIC TIP JAR MACHINE LESS THE AMOUNT OF MONEY WINNINGS OR PRIZES PAID OUT TO PLAYERS.

(2) A STATE TAX IS IMPOSED ON THE NET PROCEEDS DERIVED FROM ANY CHARGE FOR THE OPERATION OF AN ELECTRONIC BINGO MACHINE PERMITTED UNDER A COMMERCIAL BINGO LICENSE OR AN ELECTRONIC TIP JAR MACHINE AUTHORIZED UNDER TITLE 13 OF THE CRIMINAL LAW ARTICLE THAT IS OPERATED FOR COMMERCIAL PURPOSES.

~~4-105.~~

(A-1) THE RATE OF THE STATE ADMISSIONS AND AMUSEMENT TAX IMPOSED ON ELECTRONIC BINGO OR ELECTRONIC TIP JARS UNDER § 4-102(D) OF THIS SUBTITLE IS 20% OF THE NET PROCEEDS SUBJECT TO THE TAX.

(b) If gross receipts subject to the admissions and amusement tax are also subject to the sales and use tax, a county or a municipal corporation may not set a rate so that, when combined with the sales and use tax, the total tax rate will exceed [10%] 11% of the gross receipts.

11-104.

(a) Except as otherwise provided in this section, the sales and use tax rate is:

(1) for a taxable price of less than \$1:

(i) 1 cent if the taxable price is 20 cents; [and]

(ii) [1 cent for each additional 20 cents or part of 20 cents; and] 2 CENTS IF THE TAXABLE PRICE IS AT LEAST 21 CENTS BUT LESS THAN 34 CENTS;

(iii) 3 CENTS IF THE TAXABLE PRICE IS AT LEAST 34 CENTS BUT LESS THAN 51 CENTS;

(iv) 4 CENTS IF THE TAXABLE PRICE IS AT LEAST 51 CENTS BUT LESS THAN 67 CENTS;

(v) 5 CENTS IF THE TAXABLE PRICE IS AT LEAST 67 CENTS BUT LESS THAN 84 CENTS; AND

(vi) 6 CENTS IF THE TAXABLE PRICE IS AT LEAST 84 CENTS;

AND

(2) for a taxable price of \$1 or more:

(i) [5] 6 cents for each exact dollar; and

(ii) [1 cent for each 20 cents or part of 20 cents] FOR THAT PART OF A DOLLAR in excess of an exact dollar:

1. 1 CENT IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 1 CENT BUT LESS THAN 17 CENTS;

2. 2 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 17 CENTS BUT LESS THAN 34 CENTS;

3. 3 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 34 CENTS BUT LESS THAN 51 CENTS;

4. 4 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 51 CENTS BUT LESS THAN 67 CENTS;

5. 5 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 67 CENTS BUT LESS THAN 84 CENTS; AND

6. 6 CENTS IF THE EXCESS OVER AN EXACT DOLLAR IS AT LEAST 84 CENTS.

(b) If a retail sale of tangible personal property or a taxable service is made through a vending or other self-service machine, the sales and use tax rate is [5%] 6%, applied to [95.25%] 94.5% of the gross receipts from the vending machine sales.

~~(c) THE SALES AND USE TAX RATE FOR THE SALE OF A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST IS:~~

~~(1) 10 CENTS FOR EACH EXACT DOLLAR OF TAXABLE PRICE; AND~~

~~(2) 1 CENT FOR EACH 10 CENTS OR PART OF 10 CENTS OF TAXABLE PRICE IN EXCESS OF AN EXACT DOLLAR 7.5% OF THE TAXABLE PRICE.~~

~~11-105.~~

~~(a) (1) Except as provided in [subsections (b) and (c)] SUBSECTION (B) of this section, a vendor who timely files a sales and use tax return is allowed, for the expense of collecting and paying the tax, a credit equal to THE LESSER OF:~~

~~(I) 0.9% of the gross amount of sales and use tax that the vendor is to pay to the Comptroller; OR~~

~~(II) \$300 FOR EACH RETURN.~~

~~(2) The credit allowed under this section does not apply to any sales and use tax that a vendor is required to pay to the Comptroller for any purchase or use that the vendor makes that is subject to the tax.~~

~~(b) (1) Subject to paragraph (2) of this subsection, the credit allowed under this section is 1.2% of the first \$6,000 of the gross amount of sales and use tax that the vendor is to pay with each return.~~

~~(2) For a vendor who files or is eligible to file a consolidated return under § 11-502 of this title [,];~~

~~(I) the credit allowed under paragraph (1) of this subsection is 1.2% of the first \$6,000 of the gross amount of sales and use tax that the vendor is or would be required to pay with the consolidated return; AND~~

~~(H) THE TOTAL MAXIMUM CREDIT THAT THE VENDOR IS ALLOWED UNDER THIS SECTION FOR ALL RETURNS FILED FOR ANY PERIOD IS \$300.~~

~~(c) From July 1, 2004 through June 30, 2006:~~

~~(1) the credit allowed under subsection (a) of this section is 0.45% of the gross amount of sales and use tax that the vendor is to pay to the Comptroller; and~~

~~(2) the credit allowed under subsection (b) is:~~

~~(i) 0.6% of the first \$6,000 of the gross amount of sales and use tax that the vendor is to pay with each return; or~~

~~(ii) for a vendor described in subsection (b)(2) of this section, 0.6% of the first \$6,000 of the gross amount of sales and use tax that the vendor is or would be required to pay with the consolidated return.]~~

11-301.

The sales and use tax is computed on:

(1) the taxable price of each separate sale;

(2) if a combined sale is made, the combined taxable price of all retail sales on the same occasion by the same vendor to the same buyer; or

(3) if retail sales of tangible personal property or a taxable service are made through vending or other self-service machines, [95.25%] 94.5% of the gross receipts from the retail sales.

11-302.

For each retail sale or sale for use other than a sale under § 11-405 or § 11-406 of this title, the sales and use tax shall be:

(1) stated [and charged] separately from the sale price; and

- (2) shown separately from the sale price on any record of a sale:
 - (i) at the time of the sale;
 - (ii) when the vendor issues evidence of the sale; or
 - (iii) when the vendor uses evidence of the sale.

11-402.

[A] SUBJECT TO § 11-302 OF THIS TITLE, A vendor may [not directly or indirectly advertise, state, or otherwise hold out that any part of the sales and use tax:

- (1) will be assumed or absorbed by the vendor;
- (2) will not be added to the taxable price of tangible personal property or a taxable service; or
- (3) will be refunded if added to the taxable price of tangible personal property or a taxable service];

(1) ASSUME OR ABSORB ALL OR ANY PART OF THE SALES AND USE TAX IMPOSED ON A RETAIL SALE OR USE; AND

(2) PAY THAT SALES AND USE TAX ON BEHALF OF THE BUYER.

11-601.

(b) (1) A vendor who makes a sale subject to the sales and use tax shall pay the sales and use tax that the vendor collects for that sale **OR THAT THE VENDOR ASSUMES OR ABSORBS FOR THAT SALE** with the return that covers the period in which the vendor makes that sale.

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

Article - Tax - General

~~11-101.~~

~~(C-1) "REPAIR SERVICE" INCLUDES:~~

~~(1) LAUNDERING, CLEANING, MENDING, ALTERING, AND FITTING OF CLOTHING AND OTHER TEXTILES, INCLUDING:~~

~~(I) FUR STORAGE AND REPAIR; AND~~

~~(II) SHOE REPAIR AND SHOE SHINING;~~

~~(2) FURNITURE, RUG, CARPET, AND UPHOLSTERY CLEANING AND REPAIR, INCLUDING REUPHOLSTERY;~~

~~(3) COMPUTER AND OFFICE MACHINE REPAIR OF ALL TYPES;~~

~~(4) MOTOR VEHICLE AND BOAT REPAIR OF ALL TYPES, BUT NOT INCLUDING ROADSIDE ASSISTANCE SERVICES;~~

~~(5) ELECTRICAL AND ELECTRONIC REPAIR OF ALL TYPES;~~

~~(6) WATCH, CLOCK, AND JEWELRY REPAIR; AND~~

~~(7) REPAIR OF ANY OTHER TANGIBLE PERSONAL PROPERTY.~~

~~(m) "Taxable service" means:~~

~~(1) fabrication, printing, or production of tangible personal property by special order;~~

~~(2) commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;~~

~~(3) cleaning of a commercial or industrial building;~~

~~(4) cellular telephone or other mobile telecommunications service;~~

~~(5) "900", "976", "915", and other "900" type telecommunications service;~~

~~(6) custom calling service provided in connection with basic telephone service;~~

~~(7) a telephone answering service;~~

~~(8) pay per view television service;~~

~~(9) credit reporting;~~

~~(10) a security service, including:~~

~~(i) a detective, guard, or armored car service; and~~

~~(ii) a security systems service;~~

~~(11) a transportation service for transmission, distribution, or delivery of electricity or natural gas, if the sale or use of the electricity or natural gas is subject to the sales and use tax; [or]~~

~~(12) a prepaid telephone calling arrangement;~~

~~(13) A REPAIR SERVICE; OR~~

~~(14) A PARKING FACILITY OR SERVICE.~~

11-226.

[(a) The sales and use tax does not apply to the sale of the following electric appliances that meet or exceed the applicable Energy Star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy:

(1) a clothes washer purchased on or after July 1, 2000, but before July 1, 2003;

(2) a room air conditioner purchased on or after January 1, 2001, but before July 1, 2004; or

(3) a standard size refrigerator purchased on or after July 1, 2001, but before July 1, 2004.

(b) The sales and use tax does not apply to the sale, on or before July 1, 2004, of:

(1) a fuel cell that:

(i) generates electricity and heat using an electrochemical process;

(ii) has an electricity-only generation efficiency greater than 35%; and

(iii) has a generating capacity of at least 2 kilowatts;

(2) a natural gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling;

(3) an electric heat pump hot water heater that yields an energy factor of at least 1.7;

(4) an electric heat pump that has a heating system performance factor of at least 7.5 and a cooling seasonal energy efficiency ratio of at least 13.5;

(5) a central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; or

(6) an advanced natural gas water heater that has an energy factor of at least 0.65.]

(A) (1) IN THIS SUBSECTION, "ENERGY STAR PRODUCT" MEANS AN AIR CONDITIONER, CLOTHES WASHER OR DRYER, FURNACE, HEAT PUMP, STANDARD SIZE REFRIGERATOR, COMPACT FLUORESCENT LIGHT BULB, DEHUMIDIFIER, OR PROGRAMMABLE THERMOSTAT THAT HAS BEEN DESIGNATED AS MEETING OR EXCEEDING THE APPLICABLE ENERGY STAR EFFICIENCY REQUIREMENTS DEVELOPED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE UNITED STATES DEPARTMENT OF ENERGY.

(2) ~~THE~~ BEGINNING IN CALENDAR YEAR 2011, THE WEEKEND THAT CONSISTS OF THE SATURDAY IMMEDIATELY PRECEDING THE THIRD MONDAY IN FEBRUARY THROUGH THE THIRD MONDAY IN FEBRUARY EACH YEAR SHALL BE A TAX-FREE WEEKEND DURING WHICH THE EXEMPTION UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL APPLY.

(3) DURING THE TAX-FREE WEEKEND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SALES AND USE TAX DOES NOT APPLY TO THE SALE OF ANY:

(I) ENERGY STAR PRODUCT; OR

(II) SOLAR WATER HEATER.

[(c) (B) The sales and use tax does not apply to the sale of a multifuel pellet stove designed to burn agricultural field corn.

11-228.

(a) In this section, "accessory items" includes jewelry, watches, watchbands, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, and belt buckles.

(b) (1) ~~The~~ **BEGINNING IN CALENDAR YEAR 2010, THE** [5-day period from August 23, 2006 through August 27, 2006,] **7-DAY PERIOD FROM THE SECOND SUNDAY IN AUGUST THROUGH THE FOLLOWING SATURDAY** shall be a tax-free period for back-to-school shopping in Maryland during which the exemption under paragraph (2) of this subsection shall apply.

(2) During the tax-free period for back-to-school shopping established under paragraph (1) of this subsection, the sales and use tax does not apply to the sale of any item of clothing or footwear, excluding accessory items, if the taxable price of the item of clothing or footwear is \$100 or less.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Tax - General

12-105.

(a) The tobacco tax rate for cigarettes is:

(1) [50 cents] **\$1.00** for each package of 10 or fewer cigarettes;

(2) [\$1.00] **\$2.00** for each package of at least 11 and not more than 20 cigarettes;

(3) [5.0] **10.0** cents for each cigarette in a package of more than 20 cigarettes; and

(4) [5.0] **10.0** cents for each cigarette in a package of free sample cigarettes.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

~~9-305.~~

~~(A) [The] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** motor fuel tax rate is:~~

~~(1) **7** cents for each gallon of aviation gasoline;~~

~~(2) **[23.5] 24** cents for each gallon of gasoline other than aviation gasoline;~~

~~(3) [24.25] 24.75 cents for each gallon of special fuel other than clean-burning fuel or turbine fuel;~~

~~(4) 7 cents for each gallon of turbine fuel; and~~

~~(5) [23.5] 24 cents for each gasoline equivalent gallon of clean-burning fuel except electricity.~~

~~(B) (1) (I) THIS SUBSECTION APPLIES TO THE MOTOR FUEL TAX RATE EFFECTIVE BEGINNING JANUARY 1, 2009.~~

~~(II) AN INCREASE IN THE MOTOR FUEL TAX RATE UNDER THIS SUBSECTION SHALL BE EFFECTIVE FOR A PERIOD OF 1 YEAR.~~

~~(2) SUBJECT TO THE LIMITATIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION, FOR MOTOR FUELS SPECIFIED IN SUBSECTION (A)(2), (3), AND (5) OF THIS SECTION OTHER THAN AVIATION GASOLINE OR TURBINE FUEL, THE MOTOR FUEL TAX RATE SHALL BE INCREASED EFFECTIVE JANUARY 1 OF EACH YEAR BY THE AMOUNT, ROUNDED UP TO THE NEAREST ONE TENTH OF A CENT, THAT EQUALS THE PRODUCT OF MULTIPLYING:~~

~~(I) THE MOTOR FUEL TAX RATE IN EFFECT FOR THE PRECEDING CALENDAR YEAR; AND~~

~~(II) THE ANNUAL PERCENTAGE GROWTH IN THE CONSTRUCTION COST INDEX AS DETERMINED BY THE COMPTROLLER UNDER SUBSECTION (C)(2) OF THIS SECTION.~~

~~(3) (I) FOR ANY CALENDAR YEAR, THE MOTOR FUEL TAX RATES MAY NOT BE INCREASED BY MORE THAN 1 CENT PER GALLON OVER THE RATES IN EFFECT FOR THE PRECEDING CALENDAR YEAR.~~

~~(II) IF THERE IS NO INCREASE IN THE ANNUAL PERCENTAGE GROWTH IN THE CONSTRUCTION COST INDEX, THE MOTOR FUEL TAX RATES SHALL BE THE TAX RATES IN EFFECT FOR THE PRECEDING CALENDAR YEAR.~~

~~(4) THE COMPTROLLER SHALL REQUIRE ANY PERSON POSSESSING TAX PAID MOTOR FUEL FOR SALE AT THE START OF BUSINESS ON THE DATE OF ANY INCREASE IN THE MOTOR FUEL TAX UNDER THIS SUBSECTION TO COMPILE AND FILE AN INVENTORY OF THE MOTOR FUEL HELD AT THE CLOSE OF BUSINESS ON THE PRECEDING DATE AND REMIT WITHIN 30 DAYS ANY ADDITIONAL MOTOR FUEL TAX THAT IS DUE ON THE MOTOR FUEL.~~

~~(C) (1) IN THIS SECTION, "CONSTRUCTION COST INDEX" MEANS AN INDEX PUBLISHED MONTHLY BY THE ENGINEERING NEWS-RECORD THAT IS A WEIGHTED AGGREGATE INDEX OF THE PRICES OF CONSTANT QUANTITIES OF STRUCTURAL STEEL, PORTLAND CEMENT, LUMBER, AND COMMON LABOR.~~

~~(2) ON OR BEFORE OCTOBER 15 OF EACH YEAR, THE COMPTROLLER SHALL DETERMINE AND ANNOUNCE:~~

~~(I) THE ANNUAL PERCENTAGE GROWTH IN THE CONSTRUCTION COST INDEX BASED ON THE CHANGE IN THE INDEX REPORTED FROM THE PRECEDING OCTOBER THROUGH THE CURRENT OCTOBER INDEX; AND~~

~~(II) THE MOTOR FUEL TAX RATES EFFECTIVE JANUARY 1 OF THE NEXT CALENDAR YEAR.~~

Article - Transportation

3-202.

(a) The Department from time to time may issue its bonds on behalf of this State to finance the cost of any one or more or combination of transportation facilities.

(b) The bonds shall be known as "consolidated transportation bonds" and may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of these bonds and bonds of prior issues does not exceed at any one time the sum of ~~[\$2.0] \$3.0 \$2.0 billion~~ OF \$2.6 BILLION.

(c) The maximum outstanding and unpaid principal balance of consolidated transportation bonds and bonds of prior issues as of June 30 for the next fiscal year:

(1) Shall be established each year by the General Assembly in the State budget; and

(2) May not exceed the limit established in subsection (b) of this section.

3-215.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2-1103(2) and 2-1104(4) of the Tax - General Article;

(2) The income tax revenue distributed under § 2-614 of the Tax – General Article;

(3) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article; and

(4) The sales and use tax revenues distributed under [§ 2-1302.1] §§ 2-1302.1 AND 2-1302.2 of the Tax – General Article.

13-802.

[The fees] EXCEPT AS PROVIDED IN § 13-805 OF THIS SUBTITLE, THE FEE for [certificates] EACH CERTIFICATE of title issued under this title [shall be established by the Administration] IS \$50.

13-809.

(a) (3) ~~(I)~~ “Total purchase price” means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, [with no] LESS AN allowance for trade-in [or] AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WITH NO ALLOWANCE FOR other nonmonetary consideration.

~~(II) A TRADE-IN ALLOWANCE SHALL EQUAL 50% OF THE VALUE, NOT TO EXCEED 50% OF THE VALUE SHOWN IN A NATIONAL PUBLICATION OF USED VEHICLE VALUES ADOPTED FOR USE BY THE DEPARTMENT, OF ANY VEHICLE THAT IS TRADED IN AS PART OF THE CONSIDERATION OF THE SALE.~~

(b) (1) Except as otherwise provided in this part, in addition to any other charge required by the Maryland Vehicle Law, an excise tax is imposed:

(i) For each original and each subsequent certificate of title issued in this State for a motor vehicle, trailer, or semitrailer; and

(ii) Except as provided in paragraph (2) of this subsection, for each motor vehicle, trailer, or semitrailer that is in interstate operation and registered under § 13-109(c) or (d) of this title without a certificate of title.

(c) (1) Except as provided in subsection (b)(2) of this section, the tax imposed by this section is [5 percent] **6 PERCENT** of the fair market value of the vehicle.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 24 – Political Subdivisions – Miscellaneous Provisions

9-1104.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO BALTIMORE CITY OF \$3,075,000.

~~**Article – Environment**~~

~~**9-1605.3.**~~

~~**THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR CHESAPEAKE BAY RELATED PROGRAMS OF NOT LESS THAN \$13,755,000.**~~

Article – Natural Resources

4-209.

(K) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO THE FISHERIES RESEARCH AND DEVELOPMENT FUND OF NOT LESS THAN \$1,794,000.

8-205.

(A) THERE IS A CHESAPEAKE BAY 2010 TRUST FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE THE FINANCIAL ASSISTANCE NECESSARY TO MEET, BY 2010, THE GOALS ESTABLISHED IN THE CHESAPEAKE 2000 AGREEMENT FOR THE RESTORATION OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND;

(2) MONEY DISTRIBUTED TO THE FUND UNDER §§ 2-1104 AND ~~2-1302.2~~ 2-1302.1 OF THE TAX – GENERAL ARTICLE; AND

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

(F) THE FUND MAY BE USED ONLY FOR THE IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGY DEVELOPED IN ACCORDANCE WITH THE CHESAPEAKE 2000 AGREEMENT.

(G) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE RETAINED TO THE CREDIT OF THE FUND.

(H) MONEY EXPENDED FROM THE FUND FOR THE RESTORATION OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER, IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR BAY RESTORATION.

8-707.

(D) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION TO THE WATERWAY IMPROVEMENT FUND OF NOT LESS THAN \$1,794,000.

Article – State Finance and Procurement

[7-313.

(a) In this section, "Fund" means the Maryland Emergency Medical Service System Fund.

(b) For fiscal year 1988, \$31,000,000 derived from the increase in revenues under Chapter 291 of the Acts of 1987 and allocated for the use of the Department of Transportation shall be transferred to this Fund from the Transportation Trust Fund.

(c) The Fund is a continuing, nonlapsing fund which is not subject to § 7-302 of this subtitle.

(d) Expenditures under this section shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7-209 of this title, provided that any

budget amendment shall be submitted to and approved by the Legislative Policy Committee prior to the expenditure or obligation of funds.

(e) The moneys distributed to this Fund may be used only for the procurement of new helicopters and auxiliary helicopter equipment, ground support equipment, and other capital equipment related to the helicopters and for equipment and related improvements to the Emergency Medical Services' Communication System.]

~~7-328.~~

~~(A) IN THIS SECTION, "FUND" MEANS THE TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND.~~

~~(B) (1) THERE IS A TOURISM, ARTS, AND CULTURAL DEVELOPMENT FUND.~~

~~(2) THE PURPOSE OF THE FUND IS TO ENRICH THE LIVES OF MARYLAND CITIZENS BY INVESTING IN TOURISM, THE ARTS, AND OTHER CULTURAL ACTIVITIES.~~

~~(3) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(4) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~(5) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND REINVESTED.~~

~~(6) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.~~

~~(7) THE FUND CONSISTS OF:~~

~~(I) ANY MONEY APPROPRIATED TO THE FUND; AND~~

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

~~(8) MONEY IN THE FUND MAY BE EXPENDED ONLY TO SUPPORT TOURISM, THE ARTS, AND OTHER CULTURAL ACTIVITIES.~~

Article - Tax - General

~~[(a)] After making the distribution required under § 2-613 of this subtitle, the Comptroller shall distribute monthly 24% of the remaining income tax revenue from corporations to [a special fund to be distributed as provided in subsection (b) of this section.~~

~~(b) (1) From the special fund, the Comptroller shall distribute an amount equal to 24% of the cost to administer the income tax on corporations to an administrative cost account.~~

~~(2) After making the distribution required under paragraph (1) of this subsection, the Comptroller shall distribute the balance in the special fund to] the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.~~

~~§ 2-1102.~~

~~After making the distributions required under § 2-1101 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute the amount necessary to administer the Motor Fuel Tax Bureau of the Regulatory and Enforcement Division of the Comptroller's Office to an administrative cost account.]~~

~~§ 2-1103.] **2-1102.**~~

~~After making the [distributions] DISTRIBUTION required under [§§ 2-1101 and 2-1102] § 2-1101 of this subtitle, the Comptroller shall distribute:~~

~~(1) the remaining motor fuel tax revenue from aviation fuel to the Transportation Trust Fund; and~~

~~(2) all remaining motor fuel tax revenue[, equal to the average percentage by which the motor fuel tax rate exceeds 18.5 cents per gallon, to the gasoline and motor vehicle revenue account] **TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT** in the Transportation Trust Fund.~~

~~§ 2-1104.~~

~~After making the distributions required under §§ 2-1101 through 2-1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:~~

~~(1) 0.3% to the Waterway Improvement Fund;~~

~~(2) 0.3% to the Fisheries Research and Development Fund;~~

~~(3) (1) 2.3% to the General Fund of the State for Chesapeake Bay related programs **CHESAPEAKE BAY 2010 TRUST FUND**; and~~

~~(4)~~ **(2)** any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.‡

2-1302.1.

After making the distributions required under §§ 2-1301 and 2-1302 of this subtitle, ~~the Comptroller monthly shall distribute~~ **OF** [45% of] the sales and use tax collected on short-term vehicle rentals under § 11-104(c) of this article **THE COMPTROLLER SHALL DISTRIBUTE:**

(1) 45% to the Transportation Trust Fund established under § 3-216 of the Transportation Article; **AND**

(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND.

2-1302.2.

AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2-1301 THROUGH 2-1302.1 OF THIS SUBTITLE, THE COMPTROLLER SHALL PAY ~~8%~~ 6.5% OF THE REMAINING SALES AND USE TAX REVENUE INTO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3-216 OF THE TRANSPORTATION ARTICLE.

2-1303.

After making the distributions required under §§ 2-1301 through [2-1302.1] **2-1302.2** of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under Article 83A, § 5-216 of the Code; and

(2) the remaining sales and use tax revenue into the General Fund of the State.

Article - Transportation

8-402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

- (1) All of the motor vehicle fuel tax;
- (2) Except as otherwise provided by law, ~~80 percent~~ TWO-THIRDS of the vehicle titling tax;
- (3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;
- (4) The revenue disbursed to this account under § 2-614 of the Tax – General Article; and
- (5) 80 percent of the funds distributed on short-term vehicle rentals under § 2-1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

(c) (1) During each fiscal year, the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City; and

(2) The balance of the Account may be used as provided in § 3-216 of this article.

~~12-118.~~

~~(a) Except as specifically provided by law, all money received under the Maryland Vehicle Law shall be accounted for and remitted to the State Comptroller.~~

~~(b) Out of the money remitted to the State Comptroller under the Maryland Vehicle Law, the State Comptroller shall:~~

~~(1) Pay or retain enough to pay all refunds of taxes or fees provided for in the Maryland Vehicle Law;~~

~~(2) Credit to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund the revenues specified in § 8-402 of this article, after retaining enough to pay[;~~

~~(i) The] THE salaries and other expenses of the State Highway Administration in enforcing Title 24 of this article; AND~~

~~[(ii) The salaries and other expenses of the Commercial Vehicle Enforcement Division of the Department of State Police as approved by the Department in enforcing Title 23, Subtitle 4 of this article, Title 24 of this article, the~~

~~provisions of the Tax General Article on the motor carrier tax, and the provisions of Title 10 of the Business Regulation Article on motor fuel fraud and motor fuel tax fraud;~~

~~(iii) Funds required, in addition to the funding provided in § 13-804 of this article, for the salaries and other expenses of the Automotive Safety Enforcement Division of the Department of State Police as approved by the Department in enforcing Title 23 of this article and Subtitle 6 of Title 22 of this article; and~~

~~(iv) The salaries and other expenses of the Department of State Police and other State agencies, as approved by the Department, in enforcing the provisions of § 25-111 of this article; and]~~

~~(3) Credit the balance to the Transportation Trust Fund.~~

[13-208.

(a) Of each filing fee received under this subtitle, the Administration shall deposit \$14 in the General Fund.

(b) For each fiscal year, the Comptroller shall distribute to Baltimore City an amount equal to \$5 for each filing fee received under this subtitle.]

13-613.

(d) [Except as provided in subsection (e) of this section, of the] **THE** proceeds collected annually from the additional fees charged under this section[:

(1) The first \$180,000 shall be paid into a special fund administered by the Maryland Higher Education Commission for use in the medical, dental, legal, nursing, social work, and pharmaceutical scholarship programs provided by this State;

(2) The next \$200,000 shall be used solely for the purposes of the scholarship program authorized by §§ 18-1101 through 18-1105 of the Education Article; and

(3) Except as otherwise provided by law, any balance shall be distributed to the General Fund of the State] **SHALL BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND.**

[(e) (1) The Administration shall keep \$12.50 of the fee payable with the original application for special registration under this section to recover the administrative and production costs of the special registration.

(2) Funds kept by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.]

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, from the sales and use tax revenue collected from January 1, 2008, through the end of June 30, 2008, the Comptroller shall distribute \$110,000,000 to the State Police Helicopter Replacement Fund established under § 2-801 of the Public Safety Article. It is the intent of the General Assembly that the Governor include in the annual budget bill in fiscal years 2009 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each fiscal year. It is the further intent of the General Assembly that the State Police purchase a flight simulator to use for helicopter pilot training.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) ~~On or before February 1, 2008,~~ the Maryland Department of Transportation shall ~~submit a report for the proposed projects included~~ include in the 2008 through 2013 Consolidated Transportation Program. ~~The report shall~~ a separate section to:

(1) include:

(i) the specific major, minor, and system preservation transportation capital projects, along with a listing of fund source by project; and

(ii) an estimate of the cash flow for each project for each of fiscal years 2009 through 2013; and

(2) demonstrate how the major projects contribute toward a comprehensive approach to meeting the State's overall transportation needs; and

(3) ~~be provided to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.~~

(b) ~~It is the intent of the General Assembly that:~~

(1) ~~any additional revenue dedicated to the Transportation Trust Fund through enactment of legislation during the Special Session of 2007 not be programmed by the Department in fiscal years 2008 or 2009 in the Consolidated Transportation Program or appropriated in either of the fiscal years 2008 or 2009 State budgets, except for projects needed:~~

(i) ~~to respond to an act of God or natural disaster;~~

(ii) ~~to respond to acts of terrorism;~~

~~(iii) to implement critical system preservation projects;~~

~~(iv) to implement repair or replacement of structurally deficient or functionally obsolete bridges; or~~

~~(v) for any other purpose to insure the public safety and economic interests of the State.~~

~~(2) (i) the Senate Budget and Taxation Committee and the House Appropriations Committee shall review the report in subsection (a) of this section during the fiscal 2009 budget hearings for the Department; and~~

~~(ii) after review and comment by the budget committees, the Governor may provide funding in fiscal years 2008 or 2009 through a supplemental budget to implement elements of the report.~~

SECTION 8. AND BE IT FURTHER ENACTED, That the Comptroller shall adopt regulations that will exempt from the increase in the rate of the sales and use tax under § 11-104 of the Tax – General Article as enacted by Section 1 of this Act any otherwise taxable sales of tangible personal property to contractors or builders to be used for the construction, repair, or alteration of real property, on contracts entered into prior to the effective date of the sales and use tax increase under § 11-104 of the Tax – General Article as enacted by Section 1 of this Act. The exemption may be in the form of a refund, credit, or, to the extent practicable, deduction at the time of sale. The regulations shall be applicable only with respect to the 1% increase in the rate of the sales and use tax which becomes effective January 3, 2008.

SECTION 9. AND BE IT FURTHER ENACTED, That all cigarettes used, possessed, or held in the State on or after January 1, 2008, by any person for sale or use in the State, shall be subject to the full tobacco tax of \$2.00 on cigarettes imposed by this Act. This requirement includes: (1) cigarettes in vending machines or other mechanical dispensers; and (2) cigarettes (generally referred to as “floor stock”) in packages which already bear stamps issued by the Comptroller under the State Tobacco Tax Act but for an amount less than the full tax imposed on \$1 for each 10 cigarettes or fractional part thereof; all cigarettes held for sale by any person in the State on or after January 1, 2008, that bear a stamp issued by the Comptroller of a value less than \$2.00 for each pack of 20 cigarettes must be stamped with the additional stamps necessary to make the aggregate tax value equal to \$2.00. The Comptroller may provide an alternative method of collecting the additional tax. The revenue attributable to this requirement shall be remitted to the Comptroller by April 30, 2008. Except as otherwise provided in this Section, on or after January 1, 2008, no Maryland stamp shall be used except the stamp issued by the Comptroller to evidence the tobacco tax on cigarettes of \$2.00 imposed by this Act.

SECTION ~~9~~ 10. AND BE IT FURTHER ENACTED, That ~~§ 13-809~~ §§ 13-802 and 13-809 of the Transportation Article as enacted by Section ~~4~~ 4 of this Act shall be

applicable to all certificates of title issued in the State on or after January 1, 2008, and to all motor vehicles, trailers, or semitrailers subject to the excise tax that are in interstate operation and registered under § 13-109(c) or (d) of the Transportation Article without a certificate of title on or after January 1, 2008.

~~SECTION 4. AND BE IT FURTHER ENACTED, That each person holding tax paid motor fuel for sale at the start of business on January 1, 2008, shall compile and file an inventory of the motor fuel held at the close of business on December 31, 2007, and remit within 30 days any additional motor fuel tax that is due on the motor fuel.~~

SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 4 of this Act, the modified definition of "total purchase price" for the purposes of the calculation of the motor vehicle excise tax imposed on a vehicle under § 13-809(a) of the Transportation Article as enacted under Section 4 of this Act does not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before January 1, 2008 no longer remain outstanding and unpaid; provided, however, that in any fiscal year for which funds are appropriated by the General Assembly to pay the principal of and interest on the Department of Transportation's Consolidated Transportation Bonds due and payable in that fiscal year, the Motor Vehicle Administration shall collect the reduced motor vehicle excise tax imposed on a vehicle by utilizing the modified definition as enacted under Section 4 of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 3, 2008.

~~SECTION 5-13.~~ SECTION 13. AND BE IT FURTHER ENACTED, That ~~Section 2~~ Sections 2 and 5 of this Act shall take effect July 1, 2008. Section 5 of this Act shall be applicable to the fiscal year beginning July 1, 2008, and each subsequent fiscal year. Section 8-205 of the Natural Resources Article as enacted by Section 5 of this Act shall take effect contingent on the failure of House Bill 23 during the 2007 Special Session of the General Assembly. If House Bill 23 is enacted, § 8-205 of the Natural Resources Article as enacted by Section 5 of this Act shall be null and void without the necessity of further action by the General Assembly.

~~SECTION 6-14.~~ SECTION 14. AND BE IT FURTHER ENACTED, That except as provided in ~~Section 5~~ Sections 12 and 13 of this Act, this Act shall take effect January 1, 2008.

Approved by the Governor, November 19, 2007.