

overall or within any agency, office, or department, the number of positions in the executive service, management service, or the commission plan during fiscal 2007. *This paragraph shall be of no force or effect after January 20, 2007.*

- (5) The number of exempt or non-State funded positions added in fiscal 2006 after January 4, 2006, through the Board of Public Works in nonhigher education agencies, under the authority of Section 35 of the 2005 budget bill (Chapter 443, Acts of 2005) shall not count under the limit established in paragraph (1).

SECTION 40. AND BE IT FURTHER ENACTED, That notwithstanding Section 17 of this Act, the amounts listed below, determined to be in excess of the amounts required to fund the State Employee and Retiree Health and Welfare Benefits Program, may not be expended for that purpose. Funds restricted may be transferred to the Dedicated Purpose Account to reserve funds to help defray future costs associated with retirement benefits for State and local public school teachers and State employees:

<u>Department</u>	<u>Fund</u>	<u>Amount</u>
<u>Executive</u>	<u>General</u>	<u>\$39,638,453</u>
<u>Executive</u>	<u>Special</u>	<u>9,416,571</u>
<u>Executive</u>	<u>Federal</u>	<u>7,063,701</u>
<u>Judiciary</u>	<u>General</u>	<u>3,613,461</u>
<u>Judiciary</u>	<u>Special</u>	<u>168,166</u>
<u>Judiciary</u>	<u>Federal</u>	<u>37,288</u>
<u>Legislative</u>	<u>General</u>	<u>819,363</u>

Authorization is granted to transfer funds thus restricted among the programs of the budget as necessary to increase funding in the Dedicated Purpose Account to implement this section. General funds restricted but not transferred to the Dedicated Purpose Account shall revert to the general fund.

For the purposes of this section, Support for State Operated Institutions of Higher Education (R75T00.01) shall not be reduced by any amount required of the Executive. Higher education institutions shall be defined as all institutions of the University System of Maryland, St. Mary's College, and Morgan State University:

- (1) Notwithstanding Section 17 of this Act, the amounts listed below, determined to be in excess of the amounts required to fund the State Employee and Retiree Health and Welfare Benefits Program, may not be expended for that purpose. Funds restricted may be transferred to the Dedicated Purpose Account to reserve funds to help defray future costs associated with retirement benefits for State and local public school teachers and State employees:

<u>Department</u>	<u>Fund</u>	<u>Amount</u>
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