

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

(5) (I) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS.

(II) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE FUND.

(C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR FISCAL YEARS 2006 AND 2007 ONLY, THERE SHALL BE CREDITED TO THE FUND ANY SUBSIDY RECEIVED BY THE STATE THAT IS PROVIDED TO EMPLOYERS AS A RESULT OF THE FEDERAL MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003, OR SIMILAR FEDERAL SUBSIDY RECEIVED AS A RESULT OF THE STATE'S PRESCRIPTION DRUG PROGRAM.

(2) THE FUND ALSO CONSISTS OF MONEYS APPROPRIATED FOR STATE EMPLOYEE AND RETIREE HEALTH INSURANCE OR AUTHORIZED TO BE TRANSFERRED TO THAT PURPOSE IN THE STATE BUDGET.

(D) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE FUND SHALL BE RETAINED IN RESERVE AND MAY NOT BE SPENT FOR ANY PURPOSE.

(2) SUBJECT TO THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, MONEYS CREDITED TO THE FUND MAY BE USED ONLY FOR THE PURPOSE OF FUNDING THE STATE COSTS OF THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM.

34-101.

(a) There is a Postretirement Health Benefits Trust Fund.

(b) The Postretirement Health Benefits Trust Fund shall be established as a tax-exempt trust, in accordance with § 115 of the Internal Revenue Code or other applicable federal statute.

(c) The purpose of the Postretirement Health Benefits Trust Fund is to assist the State in financing the postretirement health insurance subsidy, as specified in § 2-508 of this article.

(d) Beginning in fiscal year [2006] 2008, any subsidy received by the State that is provided to employers as a result of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, or similar federal subsidy received as a result of the State's prescription drug program, shall be deposited into the Postretirement Health Benefits Trust Fund.

(e) (1) The Board of Trustees are the trustees of the Postretirement Health Benefits Trust Fund.

(2) Notwithstanding any other provision of law: