

- (b) ~~The motor fuel tax does not apply to special fuel:~~
- ~~(1) containing dye and sold for uses other than in a licensed motor vehicle;~~
 - ~~(2) delivered into a tank used only for heating; or~~
 - ~~(3) used for any purpose other than propelling a motor vehicle or turbine powered aircraft.~~
- (c) ~~The motor fuel tax does not apply to aviation fuel that is bought for use by:~~
- ~~(1) a carrier engaged in the common carriage of individuals or property under Parts 121, 127, and 129 of the Federal Aviation Regulations;~~
 - ~~(2) an operator under Part 135 of the Federal Aviation Regulations if at least 70% of the aviation fuel is used in the common carriage of individuals or property;~~
 - ~~(3) the State;~~
 - ~~(4) a political subdivision of the State;~~
 - ~~(5) a unit or instrumentality of the United States government; or~~
 - ~~(6) a foreign government.~~

~~(D) THE MOTOR FUEL TAX DOES NOT APPLY TO MOTOR FUEL THAT IS BOUGHT BY THE DEPARTMENT OF GENERAL SERVICES FOR USE BY STATE AGENCIES.~~

~~SECTION 28. AND BE IT FURTHER ENACTED. That, notwithstanding any other provision of law, \$90,751,833 of the appropriation contained in the State budget for the fiscal year ending June 30, 2005, program N00G00.09, Purchase of Child Care, shall be used solely for the purpose appropriated and may not be transferred to any other program or purpose.~~

~~SECTION 29. AND BE IT FURTHER ENACTED. That it is the intent of the General Assembly that legislation shall be passed in the 2006 legislative session that provides for a phase-out and repeal of the Maryland-mined coal tax credit.~~

~~SECTION 26. AND BE IT FURTHER ENACTED. That if the total Transportation Trust Fund revenues from all sources for fiscal year 2005 exceed \$2,062,000,000, the Governor may by budget amendment in fiscal 2006 appropriate \$12,200,000 of the amount that exceeds \$2,062,000,000 to the Community Safety Enhancement Program in the State Highway Administration.~~

~~SECTION 30. AND BE IT FURTHER ENACTED. That it is the intent of the General Assembly that the most accurate full-time equivalent enrollment figures be used in calculating the State general funds per full-time equivalent student for determining State aid under the Senator John A. Cade Funding Formula, the Joseph A. Sellinger Program, and the Baltimore City Community College Funding Formula. The Maryland Higher Education Commission shall study the accuracy of the enrollment figures used presently and any alternatives that would improve accuracy~~