

WHEREAS, Question has been raised as to whether, considering the decisions of the Court of Appeals of Maryland in *Panitz v. Comptroller*, 247 Md. 501 (1967), and *Balensen v. Maryland Airport Authority*, 253 Md. 490 (1969), the General Assembly can make the annual appropriations intended to be made under the Act without in the same bill expressly providing for the collection of an annual tax or taxes sufficient to cover the debt service on the bonds which will be sold under the Act to fund these appropriations; and

WHEREAS, The General Assembly wishes to resolve this question by repealing the tax provisions of the Act, being Sections 6 and 7, as amended by Chapter 4 of the Acts of the Special Session of December 16, 1969, and by reenacting those provisions, without amendments; and

WHEREAS, An appropriation for Program Open Space has been made in the budget bill each year since 1984, and each such appropriation has provided that the funds appropriated may be used for any State projects or local shares authorized in Chapter 403 of the Acts of the General Assembly of 1969, as amended; now, therefore,

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

Chapter 403 of the Acts of the General Assembly of 1969
(As amended by Chapter 4 of the Acts of the
General Assembly of the Special Session of
December 16, 1969 and as last repealed and
reenacted without change by Chapter 530 of the
Acts of the General Assembly of 1981)

6.

That for the primary source of payment of the principal of and the interest on the bonds or Certificates of Indebtedness issued under the provisions of this Act as the same become due and payable, there shall be and is hereby laid an annual tax which shall consist of such amounts as may be necessary of the proceeds of the tax on written instruments, imposed pursuant to the provisions of [Section 278A of Article 81] SUBTITLE 2 OF TITLE 13 OF THE TAX-PROPERTY ARTICLE of the Annotated Code of Maryland [as set forth in Section 10 of this Act].

7.

That, in addition, and as the secondary source of payment, there shall be and is hereby levied and imposed an annual state tax on each one hundred dollars of assessable property at a rate to be determined in the following manner; on or before May 1, 1970, and on or before May 1 in each year thereafter, the Board of Public Works shall certify to the governing bodies of each of