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**By: Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Health Resources Planning Commission - User Fees and Officers**

3 FOR the purpose of establishing a Health Resources Planning Commission Fund to be  
4 used for the purposes of the Health Resources Planning Commission (Commission);  
5 authorizing the Commission to determine certain classifications and compensation  
6 for certain officers of the Commission after consulting with certain persons;  
7 providing for the termination of this Act; and generally relating to the user fees,  
8 personnel, and funding of the Health Resources Planning Commission.

9 BY repealing and reenacting, with amendments,  
10 Article - Health - General  
11 Section 19-106 and 19-122  
12 Annotated Code of Maryland  
13 (1990 Replacement Volume and 1995 Supplement)

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

16 **Article - Health - General**

17 19-106.

18 (a) Each member of the Commission is entitled to:

19 (1) Compensation in accordance with the State budget; and

20 (2) Reimbursement for expenses under the Standard State Travel  
21 Regulations, as provided in the State budget.

1 (b) The Commission may employ a staff in accordance with the State budget.

2 (c) The chief administrative officer of the Commission is the Executive Director,  
 3 who shall be appointed by the Commission, with the approval of the Governor.

4 (d) The Executive Director is responsible for carrying out the duties and functions  
 5 prescribed by the Commission.

6 (e) The Executive Director shall appoint an Associate Director with the approval  
 7 of the Commission.

8 (f) The Executive Director and Associate Director serve at the pleasure of the  
 9 Commission.

10 (G) THE COMMISSION, IN CONSULTATION WITH THE SECRETARY OF HEALTH  
 11 AND MENTAL HYGIENE AND THE DEPARTMENT OF BUDGET AND FISCAL PLANNING,  
 12 MAY DETERMINE THE APPROPRIATE JOB CLASSIFICATIONS AND, SUBJECT TO THE  
 13 STATE BUDGET, THE COMPENSATION FOR THE EXECUTIVE DIRECTOR, ASSOCIATE  
 14 DIRECTOR, AND EACH PRINCIPAL SECTION CHIEF OF THE COMMISSION.

15 19-122.

16 (a) [(1)] In this section: [the following words have the meanings indicated.

17 (2) (i) "Facilities"]

18 (1) "FACILITIES" means:

19 [1.] (I) Hospitals;

20 [2.] (II) Special hospitals; and

21 [3.] (III) Nursing homes.

22 [(ii)] (2) "Facilities" does not include a kidney disease treatment unit  
 23 or any agency of the Department.

24 [(3) "Net State contribution" means for Fiscal Year 1998 and for each fiscal  
 25 year thereafter, one-fifth of the General Fund appropriation for the Commission.]

26 (b) (1) The Commission, in lieu of the application fees provided for in §  
 27 19-115(b) of this subtitle, shall impose a user fee on facilities.

28 (2) The total user fees assessed by the Commission may not exceed  
 29 \$3,250,000 in any fiscal year.

30 [(3) Subject to the provisions of paragraph (2) of this subsection, for Fiscal  
 31 Years 1995, 1996, and 1997 the total user fees assessed by the Commission shall be equal  
 32 to the General Fund appropriation.]

33 (3) THE COMMISSION SHALL PAY ALL FUNDS COLLECTED FROM FEES  
 34 ASSESSED IN ACCORDANCE WITH THIS SECTION INTO THE HEALTH RESOURCES  
 35 PLANNING COMMISSION FUND.

1                   [(4) Subject to the provisions of paragraph (2) of this subsection, for Fiscal  
2 Year 1998 and each fiscal year thereafter, the total user fees assessed by the Commission  
3 shall be equal to 4 times the net State contribution.

4                   (5) The Commission shall pay all funds collected from user fees and  
5 application fees into the General Fund of the State.]

6                   [(6)] (4) All user fee revenue assessed by the Commission shall be used  
7 exclusively to cover the actual documented direct and indirect costs of fulfilling the  
8 statutory and regulatory duties of the Commission in accordance with the provisions of  
9 this subtitle, and may only be expended for purposes authorized by the provisions of this  
10 subtitle.

11                   (C) (1) THERE IS A HEALTH RESOURCES PLANNING COMMISSION FUND.

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

14                   (3) THE TREASURER SHALL SEPARATELY HOLD, AND THE  
15 COMPTROLLER SHALL ACCOUNT FOR, THE FUND.

16                   (4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME  
17 MANNER AS OTHER STATE FUNDS.

18                   (5) ANY INVESTMENT EARNINGS SHALL BE RETAINED TO THE CREDIT  
19 OF THE FUND.

20                   (6) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF  
21 LEGISLATIVE AUDITS AS PROVIDED FOR IN §2-1215 OF THE STATE GOVERNMENT  
22 ARTICLE.

23                   (7) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND  
24 FROM RECEIVING FUNDS FROM ANY OTHER SOURCE.

25                   (8) THE FUND SHALL BE USED ONLY TO PROVIDE FUNDING FOR THE  
26 COMMISSION AND FOR THE PURPOSES AUTHORIZED UNDER THIS SUBTITLE.

27                   [(c)] (D) The Commission shall:

28                   (1) Assess user fees for each facility equal to the sum of:

29                   (i) The amount equal to one half of the total user fees times the ratio  
30 of admissions of the facility to total admissions of all facilities; and

31                   (ii) The amount equal to one half of the total user fees times the ratio  
32 of gross operating revenue of each facility to total gross operating revenues of all  
33 facilities;

34                   (2) Establish minimum and maximum assessments; and

35                   (3) Assess each facility on or before June 30 of each fiscal year.

1           [(d)] (E) On or before September 1 of each year, each facility assessed under this  
2 section shall make payment to the Commission. The Commission shall makeprovisions  
3 for partial payments.

4           [(e)] (F) Any bill not paid within 30 days of the agreed payment date may be  
5 subject to an interest penalty to be determined by the Commission.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 1996. It shall remain in effect for a period of 7 years and, atthe end of July 1, 2003;  
8 with no further action required by the General Assembly, the Act shall be abrogated and  
9 of no further force and effect.