

# HOUSE BILL 1423

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Aging)**

Rules suspended

Introduced and read first time: March 7, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 12, 2007

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Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Aging – Continuing Care Fund**

3 FOR the purpose of creating a Continuing Care Fund as a special, nonlapsing fund to  
4 defray certain costs; requiring the Department of Aging to administer the  
5 Fund; requiring the State Treasurer to hold the Fund separately and the  
6 Comptroller to account for the Fund; providing which moneys the Fund consists  
7 of; providing for the use of the Fund; providing for the investment of moneys in  
8 the Fund; providing that the money expended in the Fund is supplemental;  
9 defining a certain term; providing for the effective date of certain provisions of  
10 this Act; providing for the termination of certain provisions of this Act; and  
11 generally relating to the creation of a Continuing Care Fund.

12 BY repealing and reenacting, without amendments,  
13 Article 70B – Department of Aging  
14 Section 8  
15 Annotated Code of Maryland  
16 (2003 Replacement Volume and 2006 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
2 Article 70B – Department of Aging  
3 Section 8A  
4 Annotated Code of Maryland  
5 (2003 Replacement Volume and 2006 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article – Human Services  
8 Section 10–403(a)  
9 Annotated Code of Maryland  
10 (As enacted by Chapter \_\_\_\_\_ (S.B. 6) of the Acts of the General Assembly of  
11 2007)

12 BY adding to  
13 Article – Human Services  
14 Section 10–405  
15 Annotated Code of Maryland  
16 (As enacted by Chapter \_\_\_\_\_ (S.B. 6) of the Acts of the General Assembly of  
17 2007)

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

20 **Article 70B – Department of Aging**

21 8.

22 The administration of this subtitle is vested in the Department, which shall:

23 (1) Prepare and furnish all forms necessary or desirable under the  
24 provisions of this subtitle;

25 (2) Establish and collect reasonable filing fees established for the  
26 implementation of this subtitle;

27 (3) Adopt regulations necessary to enforce this subtitle; and

28 (4) Prepare and distribute relevant public information and educational  
29 materials designed to advise individuals, institutions, and organizations of their rights  
30 and responsibilities under this subtitle.

31 **8A.**

1           (A)    **IN THIS SECTION, “FUND” MEANS THE CONTINUING CARE FUND.**

2           (B)    **THERE IS A CONTINUING CARE FUND.**

3           (C)    **THE PURPOSE OF THE FUND IS TO DEFRAY THE COSTS OF**  
4 **ADMINISTERING THIS SUBTITLE.**

5           (D)    **THE DEPARTMENT OF AGING SHALL ADMINISTER THE FUND.**

6           (E)    (1)   **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
7 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

8                   (2)   **THE STATE TREASURER SHALL HOLD THE FUND**  
9 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

10          (F)    **THE FUND CONSISTS OF:**

11                   (1)   **ALL FEES COLLECTED UNDER THIS SUBTITLE;**

12                   (2)   **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

13                   (3)   **INVESTMENT EARNINGS OF THE FUND; AND**

14                   (4)   **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**  
15 **FOR THE BENEFIT OF THE FUND.**

16          (G)    **THE FUND MAY BE USED ONLY FOR THE PURPOSES SPECIFIED IN**  
17 **THIS SUBTITLE.**

18          (H)    (1)   **THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
19 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

20                   (2)   **ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**  
21 **INTO THE FUND.**

22          (I)    **EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**  
23 **ACCORDANCE WITH THE STATE BUDGET.**



1           **(2) THE STATE TREASURER SHALL HOLD THE FUND**  
2 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

3           **(F) THE FUND CONSISTS OF:**

4                 **(1) ALL FEES COLLECTED UNDER THIS SUBTITLE;**

5                 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

6                 **(3) INVESTMENT EARNINGS OF THE FUND; AND**

7                 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
8 **THE BENEFIT OF THE FUND.**

9           **(G) THE FUND MAY BE USED ONLY FOR THE PURPOSES SPECIFIED IN**  
10 **THIS SUBTITLE.**

11           **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
12 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

13                 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**  
14 **INTO THE FUND.**

15           **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**  
16 **ACCORDANCE WITH THE STATE BUDGET.**

17           **(J) MONEY EXPENDED FROM THE FUND FOR ADMINISTERING THIS**  
18 **SUBTITLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF**  
19 **FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR ADMINISTERING**  
20 **THIS SUBTITLE.**

21           SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
22 take effect on the taking effect of Chapter \_\_\_\_\_ (S.B. 6) of the Acts of the General  
23 Assembly of 2007. If Section 2 of this Act takes effect, Section 1 of this Act shall be  
24 abrogated and of no further force and effect.

25           SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
26 of Section 3 of this Act, this Act shall take effect June 1, 2007.