

CHAPTER 108

(House Bill 1423)

AN ACT concerning

Department of Aging – Continuing Care Fund

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

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

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

BY repealing and reenacting, without amendments,
Article – Human Services
Section 10–403(a)
Annotated Code of Maryland
(As enacted by Chapter 3 (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to
Article – Human Services
Section 10–405
Annotated Code of Maryland
(As enacted by Chapter 3 (S.B. 6) of the Acts of the General Assembly of 2007)

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

Article 70B – Department of Aging

8.

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

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

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

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

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

8A.

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

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

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

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

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

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

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

- (1) **ALL FEES COLLECTED UNDER THIS SUBTITLE;**
- (2) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
- (3) **INVESTMENT EARNINGS OF THE FUND; AND**
- (4) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Human Services

10-403.

- (a) The Department shall:
- (1) administer this subtitle;
 - (2) prepare and furnish all forms necessary or desirable under this subtitle;

- (3) establish and collect reasonable filing fees to carry out this subtitle;
- (4) adopt regulations necessary to enforce this subtitle; and
- (5) prepare and distribute relevant public information and educational materials designed to advise individuals, institutions, and organizations of their rights and responsibilities under this subtitle.

10-405.

- (A) **IN THIS SECTION, “FUND” MEANS THE CONTINUING CARE FUND.**
- (B) **THERE IS A CONTINUING CARE FUND.**
- (C) **THE PURPOSE OF THE FUND IS TO DEFRAY THE COSTS OF ADMINISTERING THIS SUBTITLE.**
- (D) **THE DEPARTMENT OF AGING SHALL ADMINISTER THE FUND.**
- (E) (1) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**
- (2) **THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**
- (F) **THE FUND CONSISTS OF:**
- (1) **ALL FEES COLLECTED UNDER THIS SUBTITLE;**
- (2) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
- (3) **INVESTMENT EARNINGS OF THE FUND; AND**
- (4) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**
- (G) **THE FUND MAY BE USED ONLY FOR THE PURPOSES SPECIFIED IN THIS SUBTITLE.**

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

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

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

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

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

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

Approved by the Governor, April 10, 2007.