

SENATE BILL 91

B1

8lr0221
CF HB 101

By: **The President (By Request – Administration)**

Introduced and read first time: January 16, 2008

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2008**

3 FOR the purpose of altering a certain fee assessed for the Drinking Driver Monitor
4 Program; repealing the termination of a certain fee; altering a requirement that
5 the State budget include a certain appropriation to pay rent to counties for
6 certain space occupied by clerks of the circuit courts; altering the calculation of
7 certain State aid to private institutions of higher education; altering the
8 calculation of certain State aid to libraries; authorizing the use of certain funds
9 for the Medical Assistance Program and the Health Care Coverage Fund;
10 authorizing the Governor to transfer to the General Fund certain amounts from
11 a certain special fund for a certain fiscal year; making the provisions of this Act
12 severable; and generally relating to the financing of State government.

13 BY repealing and reenacting, with amendments,
14 Article – Correctional Services
15 Section 6–115(b) and (c)
16 Annotated Code of Maryland
17 (1999 Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Courts and Judicial Proceedings
20 Section 1–504
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Education
25 Section 17–104(a), 23–205(c), and 23–503(b)
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Insurance
3 Section 19–804(c)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2007 Supplement)

6 BY adding to
7 Article – Insurance
8 Section 19–804(e)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2007 Supplement)

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

13 **Article – Correctional Services**

14 6–115.

15 (b) All supervisees placed in the Drinking Driver Monitor Program by the
16 Division shall be:

17 (1) subject to a monthly supervision fee in accordance with § 6–226 of
18 the Criminal Procedure Article; and

19 (2) [for fiscal years 2006 through 2010 only,] assessed a monthly
20 program fee of [\$45] **\$55** by the Division.

21 (c) (1) The Program fee imposed under this section shall be paid to the
22 Division by all supervisees in the Drinking Driver Monitor Program [from July 1, 2005
23 through June 30, 2010].

24 (2) The Division shall pay the Program fees collected under this
25 section into the Drinking Driver Monitor Program Fund.

26 **Article – Courts and Judicial Proceedings**

27 1–504.

28 (a) [There] **THE CHIEF JUDGE OF THE COURT OF APPEALS** shall
29 **CERTIFY TO THE GOVERNOR FOR INCLUSION** [be included] in each State budget an
30 appropriation [to the Department of General Services in the total amount necessary]
31 **NOT TO EXCEED \$500,000** to pay rent directly to counties for space occupied in
32 county facilities by clerks of the circuit courts, as provided in this section.

1 (b) To the extent provided in the State budget the rent shall be calculated
2 per net usable square foot, with no additional reimbursement of maintenance and
3 utility cost[:

4 (1) For fiscal year 2007, at a rate not to exceed \$2.50;

5 (2) For fiscal year 2008, at a rate not to exceed \$5.00; and

6 (3) For fiscal year 2009 and each fiscal year thereafter, at a rate of
7 \$10].

8 (c) Unless the Administrative Office of the Courts and a county agree
9 otherwise, the county may not decrease the net usable square footage allocated to the
10 clerk of the circuit court for the county below the net usable square footage allotted for
11 fiscal year 2002.

12 Article - Education

13 17-104.

14 (a) The Maryland Higher Education Commission shall compute the amount
15 of the annual apportionment for each institution that qualifies under this subtitle by
16 multiplying:

17 (1) The number of full-time equivalent students enrolled at the
18 institution during the fall semester of the fiscal year preceding the fiscal year for
19 which the aid apportionment is made, as determined by the Maryland Higher
20 Education Commission times;

21 (2) (i) In each of fiscal years 2003 and 2004, an amount not less
22 than 14.3% of the State's General Fund per full-time equivalent student appropriation
23 to the 4-year public institutions of higher education in this State for the preceding
24 fiscal year;

25 (ii) In fiscal year 2005, an amount not less than 15.2% of the
26 State's General Fund per full-time equivalent student appropriation to the 4-year
27 public institutions of higher education in this State for the preceding fiscal year; [and]

28 (III) IN FISCAL YEAR 2009, AN AMOUNT EQUAL TO
29 \$56,051,065;

30 (IV) IN FISCAL YEAR 2010, AN AMOUNT NOT LESS THAN
31 15.25% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT
32 STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER
33 EDUCATION IN THIS STATE FOR THE PRECEDING FISCAL YEAR; AND

1 (iii) (v) In fiscal year [2006] **2011** and each fiscal year
2 thereafter, an amount not less than 16% of the State's General Fund per full-time
3 equivalent student appropriation to the 4-year public institutions of higher education
4 in this State for the preceding fiscal year.

5 23-205.

6 (c) (1) Each year each participating regional resource center shall receive
7 a minimum amount of funding for each resident of the area served, to be used for
8 operating and capital expenses.

9 (2) The allocation shall be calculated as follows:

10 (i) For fiscal year 2006.....\$4.50 per each resident of the
11 area served;

12 (ii) For fiscal year 2007.....\$5.50 per each resident of the
13 area served;

14 (iii) For fiscal year 2008.....\$6.50 per each resident of the
15 area served;

16 (iv) For fiscal year 2009.....[\$7.50] **\$6.50** per each resident
17 of the area served; [and]

18 (v) **FOR FISCAL YEAR 2010.....\$7.50 PER EACH**
19 **RESIDENT OF THE AREA SERVED; AND**

20 (VI) For fiscal year [2010] **2011** and each fiscal year
21 thereafter..... \$8.50 per each resident of the area served.

22 23-503.

23 (b) (1) Each county public library system that participates in the
24 minimum library program shall be provided for each resident of the county, to be used
25 for operating and capital expenses:

26 (i) For fiscal year 2006 - \$12.00;

27 (ii) For fiscal year 2007 - \$13.00;

28 (iii) For fiscal year 2008 - \$14.00;

29 (iv) For fiscal year 2009 - [\$15.00; and] **\$14.00;**

30 (v) For fiscal year 2010 - **\$15.00; AND**

1 (VI) FOR FISCAL YEAR 2011 and each fiscal year thereafter –
2 \$16.00.

3 (2) (i) The State shall share in this amount.

4 (ii) Any county may provide an amount greater than its share
5 under the cooperative program, but the State may not share in the excess.

6 **Article – Insurance**

7 19–804.

8 (c) (1) Portions of the Rate Stabilization Account that exceed the amount
9 necessary to pay for health care provider subsidies shall remain in the Rate
10 Stabilization Account to be used:

11 (i) to pay for health care provider subsidies in calendar years
12 2006 through 2008; and

13 (ii) after the fiscal year 2009 allocation to the Rate Stabilization
14 Account under § 19–803(b) of this subtitle, by the Medical Assistance Program
15 Account for the purposes specified under § 19–807(b) of this subtitle.

16 (2) Any disbursements from the Rate Stabilization Account to a
17 medical professional liability insurer that is not used to provide a rate reduction,
18 credit, or refund to a health care provider shall be returned to the State Treasurer for
19 reversion to the Fund.

20 (3) Notwithstanding paragraph (1) of this subsection, amounts
21 necessary to pay for health care provider subsidies under § 19–805(b)(3) of this
22 subtitle shall remain in the Rate Stabilization Account.

23 **(E) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION OR ANY**
24 **OTHER PROVISION OF LAW, IN FISCAL YEAR 2009, \$83,275,000 OF THE BALANCE**
25 **REMAINING IN THE RATE STABILIZATION ACCOUNT AT THE END OF FISCAL**
26 **YEAR 2008 SHALL BE TRANSFERRED AS FOLLOWS:**

27 **(1) \$7,000,000 TO THE MEDICAL ASSISTANCE PROGRAM**
28 **ACCOUNT, TO BE USED BY THE SECRETARY TO INCREASE FEE-FOR-SERVICE**
29 **PROVIDER RATES TO DENTISTS IN FISCAL YEAR 2009;**

30 **(2) \$14,275,000 TO THE HEALTH CARE COVERAGE FUND**
31 **ESTABLISHED UNDER TITLE 15, SUBTITLE 7 OF THE HEALTH – GENERAL**
32 **ARTICLE, TO BE USED FOR ALLOWABLE EXPENSES IN FISCAL YEAR 2009; AND**

1 **(3) \$62,000,000 TO THE HEALTH CARE COVERAGE FUND**
2 **ESTABLISHED UNDER TITLE 15, SUBTITLE 7 OF THE HEALTH – GENERAL**
3 **ARTICLE, TO BE USED FOR ALLOWABLE EXPENSES IN FISCAL YEAR 2010.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
5 other provision of law, on or before June 30, 2009, the Governor may transfer to the
6 General Fund \$25,000,000 of the funds in the Central Collection Fund established
7 under § 3–306 of the State Finance and Procurement Article.

8 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this
9 Act or the application thereof to any person or circumstance is held invalid for any
10 reason in a court of competent jurisdiction, the invalidity does not affect other
11 provisions or any other application of this Act which can be given effect without the
12 invalid provision or application, and for this purpose the provisions of this Act are
13 declared severable.

14 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2008.