

# SENATE BILL 527

B1

(8lr2404)

## ENROLLED BILL

—Budget and Taxation / Appropriations—

Introduced by **Chair, Budget and Taxation Committee**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

### 2 **Spending Mandate and Revenue Dedication Relief Act**

3 FOR the purpose of altering a requirement that the State budget include a certain  
4 appropriation to pay rent to counties for certain space occupied by clerks of the  
5 circuit courts; ~~altering the calculation of certain State aid to private institutions~~  
6 ~~of higher education~~; altering the calculation of certain State aid to libraries;  
7 repealing a requirement that the Governor provide funds in the budget in a  
8 certain amount for a certain interagency pool of funds to provide certain  
9 services; altering the distribution of the motor fuel tax revenue for a certain  
10 fiscal year; altering the distribution of the sales and use tax revenue for  
11 certain fiscal years; requiring the Governor to appropriate at least a certain  
12 amount before a certain date for the purchase of certain helicopters; and  
13 generally relating to certain State spending mandates and dedicated revenues.

14 BY repealing and reenacting, with amendments,

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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.

*Italics* indicate opposite chamber / conference committee amendments.



1 Article – Courts and Judicial Proceedings  
 2 Section 1–504  
 3 Annotated Code of Maryland  
 4 (2006 Replacement Volume and 2007 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Education  
 7 Section ~~17–104(a)~~, ~~23–205(e)~~, 23–205(c) and 23–503(b)  
 8 Annotated Code of Maryland  
 9 (2006 Replacement Volume and 2007 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article – Health – General  
 12 Section 15–139(c) and (d)(1)  
 13 Annotated Code of Maryland  
 14 (2005 Replacement Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,  
 16 Article – Tax – General  
 17 Section 2–1104, and 2–1302.1, and ~~2–1302.2~~  
 18 Annotated Code of Maryland  
 19 (2004 Replacement Volume and 2007 Supplement)  
 20 (As enacted by Chapter 6 of the Acts of the General Assembly of the 2007  
 21 Special Session)

22 BY repealing and reenacting, with amendments,  
 23 Chapter 6 of the Acts of the General Assembly of the 2007 Special Session  
 24 Section 6

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

27 **Article – Courts and Judicial Proceedings**

28 1–504.

29 (a) [There] **THE CHIEF JUDGE OF THE COURT OF APPEALS** shall  
 30 **CERTIFY TO THE GOVERNOR FOR INCLUSION WITHOUT REVISION** [be included]  
 31 in each State budget an appropriation [to the Department of General Services in the  
 32 total amount necessary] **NOT TO EXCEED \$500,000** to pay rent directly to counties  
 33 for space occupied in county facilities by clerks of the circuit courts, as provided in this  
 34 section.

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

- 1 (1) For fiscal year 2007, at a rate not to exceed \$2.50;
- 2 (2) For fiscal year 2008, at a rate not to exceed \$5.00; and
- 3 (3) For fiscal year 2009 and each fiscal year thereafter, at a rate of  
4 \$10].

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

### 9 Article - Education

10 ~~17-104.~~

11 ~~(a) The Maryland Higher Education Commission shall compute the amount~~  
12 ~~of the annual apportionment for each institution that qualifies under this subtitle by~~  
13 ~~multiplying:~~

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

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

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

25 ~~(iii) IN FISCAL YEAR 2009, AN AMOUNT EQUAL TO~~  
26 ~~\$56,051,065;~~

27 ~~(iv) IN FISCAL YEAR 2010, AN AMOUNT NOT LESS THAN~~  
28 ~~15.25% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT~~  
29 ~~STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER~~  
30 ~~EDUCATION IN THIS STATE FOR THE PRECEDING FISCAL YEAR; AND~~

31 ~~[(iii)] (v) In fiscal year [2006] 2011 and each fiscal year~~  
32 ~~thereafter, an amount not less than 16% of the State's General Fund per full-time~~

1 ~~equivalent student appropriation to the 4-year public institutions of higher education~~  
2 ~~in this State for the preceding fiscal year.~~

3 23-205.

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

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

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

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

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

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

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

18 (vi) For fiscal year [2010] **2011** and each fiscal year  
19 thereafter..... \$8.50 per each resident of the area served.

20 23-503.

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

24 (i) For fiscal year 2006 – \$12.00;

25 (ii) For fiscal year 2007 – \$13.00;

26 (iii) For fiscal year 2008 – \$14.00;

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

28 (v) For fiscal year 2010 – **\$15.00; AND**

1 (VI) FOR FISCAL YEAR 2011 and each fiscal year  
2 thereafter – \$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 – Health – General**

7 15–139.

8 (c) (1) For [fiscal year 2004 and each subsequent] EACH fiscal year, the  
9 Governor [shall] MAY provide funds in the budget for the Children’s Cabinet Fund  
10 established under Title 8, Subtitle 5 of the Human Services Article [in an amount  
11 equal to the amount of federal funds received under subsection (a) of this section  
12 during the most recently completed fiscal year:

13 (i) Less any administrative costs incurred by the Department,  
14 the Department of Juvenile Services, and the Department of Human Resources in  
15 implementing the programs required under this section; and

16 (ii) Subject to adjustment in accordance with subsection (e) of  
17 this section.

18 (2) The funds provided under paragraph (1) of this subsection shall],  
19 TO be used by the Children’s Cabinet to create an interagency pool of funds to provide  
20 services to children with disabilities.

21 [(3)] (2) The pool of interagency funds established under this  
22 subsection shall be used to fund the community–based services and community–based  
23 out–of–home placements needed by children with mental or developmental disabilities  
24 not in State custody, regardless of eligibility for the State Medical Assistance Program,  
25 if:

26 (i) The child is in an out–of–home placement and has been  
27 recommended for discharge but the child’s family is unwilling or unable to have the  
28 child return home; or

29 (ii) The child remains in the home but the child’s family is  
30 unable to provide appropriate care for the child without additional services and the  
31 child is either at risk of requiring an out–of–home placement or the treating  
32 professionals have recommended an out–of–home placement.



1                   (2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST  
 2 FUND.

3 ~~2-1302.2.~~

4           (A) ~~[After] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,~~  
 5 ~~AFTER making the distributions required under §§ 2-1301 through 2-1302.1 of this~~  
 6 ~~subtitle, the Comptroller shall pay 6.5% of the remaining sales and use tax revenue~~  
 7 ~~into the Transportation Trust Fund established under § 3-216 of the Transportation~~  
 8 ~~Article.~~

9           (B) ~~FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND~~  
 10 ~~JULY 1, 2009, THE COMPTROLLER SHALL DEDUCT FROM THE AMOUNT~~  
 11 ~~SPECIFIED TO BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER~~  
 12 ~~SUBSECTION (A) OF THIS SECTION AND DISTRIBUTE TO THE STATE POLICE~~  
 13 ~~HELICOPTER REPLACEMENT FUND ESTABLISHED UNDER § 2-801 OF THE~~  
 14 ~~PUBLIC SAFETY ARTICLE AN AMOUNT EQUAL TO \$35,000,000.~~

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

17                   **Chapter 6 of the Acts of the 2007 Special Session**

18           SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any  
 19 other provision of law, from the sales and use tax revenue collected from January 1,  
 20 2008, through the end of June 30, 2008, the Comptroller shall distribute  
 21 [\$110,000,000] \$50,000,000 to the State Police Helicopter Replacement Fund  
 22 established under § 2-801 of the Public Safety Article. It is the intent of the General  
 23 Assembly that the Governor include in the annual budget bill in fiscal years 2009  
 24 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each  
 25 fiscal year. It is the further intent of the General Assembly that the State Police  
 26 purchase a flight simulator to use for helicopter pilot training.

27           SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any  
 28 other provision of law:

29           (a) To replace funds diverted from the State Police Helicopter Replacement  
 30 Fund as provided in Section 2 of this Act, from the revenues collected from the sales  
 31 and use tax, the Governor shall appropriate in the State budgets for fiscal 2010, fiscal  
 32 2011, and fiscal 2012, amounts totaling in the aggregate at least \$70,000,000 for the  
 33 purchase of Med-Evac helicopters, on a schedule compatible with procurement of 12  
 34 helicopters on or before June 30, 2012. The appropriations required under this section  
 35 may be made from any budgetary fund to which proceeds of the sales and use tax are  
 36 credited.

1           **(b) The amount required to be appropriated under subsection (a) of this**  
 2 **section shall be reduced on a dollar for dollar basis by:**

3                   **(1) The amount that capital debt is authorized before June 30, 2012, to**  
 4 **purchase Med-Evac helicopters; or**

5                   **(2) Contributions, transfers, or other financing acquired from the**  
 6 **Maryland Automobile Insurance Fund for the procurement of Med-Evac helicopters, as**  
 7 **authorized by an Act of the General Assembly.**

8           SECTION ~~2~~ ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act  
 9 shall take effect July 1, 2008.

10           SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in  
 11 Section ~~3~~ 4 of this Act, this Act shall take effect June 1, 2008.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.