

SENATE BILL 527

B1

8lr2404
CF HB 1194

By: **Chair, Budget and Taxation Committee**

Introduced and read first time: February 1, 2008

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2008

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 certain fiscal
10 years; altering the distribution of the sales and use tax revenue for certain fiscal
11 years; and generally relating to certain State spending mandates and dedicated
12 revenues.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 1–504
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section ~~17–104(a)~~, ~~23–205(e)~~, 23–205(c) and 23–503(b)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,

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 Article – Health – General
2 Section 15–139(c) and (d)(1)
3 Annotated Code of Maryland
4 (2005 Replacement Volume and 2007 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Tax – General
7 Section 2–1104, 2–1302.1, and 2–1302.2
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2007 Supplement)
10 (As enacted by Chapter 6 of the Acts of the General Assembly of the 2007
11 Special Session)

12 BY repealing and reenacting, with amendments,
13 Chapter 6 of the Acts of the General Assembly of the 2007 Special Session
14 Section 6

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

17 **Article – Courts and Judicial Proceedings**

18 1–504.

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

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

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

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

30 (3) For fiscal year 2009 and each fiscal year thereafter, at a rate of
31 \$10].

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

Article - Education

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~~17-104.~~

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

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

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

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

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

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

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

~~23-205.~~

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

(2) The allocation shall be calculated as follows:

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

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

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

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

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

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

11 23-503.

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

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

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

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

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

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

20 (VI) **FOR FISCAL YEAR 2011** and each fiscal year
21 thereafter – \$16.00.

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

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

25 **Article - Health - General**

26 15-139.

27 (c) (1) For [fiscal year 2004 and each subsequent] EACH fiscal year, the
28 Governor [shall] MAY provide funds in the budget for the Children’s Cabinet Fund
29 established under Title 8, Subtitle 5 of the Human Services Article [in an amount

1 equal to the amount of federal funds received under subsection (a) of this section
2 during the most recently completed fiscal year:

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

6 (ii) Subject to adjustment in accordance with subsection (e) of
7 this section.

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

11 [(3)] (2) The pool of interagency funds established under this
12 subsection shall be used to fund the community-based services and community-based
13 out-of-home placements needed by children with mental or developmental disabilities
14 not in State custody, regardless of eligibility for the State Medical Assistance Program,
15 if:

16 (i) The child is in an out-of-home placement and has been
17 recommended for discharge but the child's family is unwilling or unable to have the
18 child return home; or

19 (ii) The child remains in the home but the child's family is
20 unable to provide appropriate care for the child without additional services and the
21 child is either at risk of requiring an out-of-home placement or the treating
22 professionals have recommended an out-of-home placement.

23 (d) (1) The Governor's Office for Children, Youth, and Families shall
24 adopt regulations to carry out the provisions of subsection [(c)(3)] (C)(2) of this
25 section.

26 Article - Tax - General

27 2-1104.

28 (A) [After] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
29 AFTER making the distributions required under §§ 2-1101 through 2-1103 of this
30 subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

31 (1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

32 (2) any remaining balance to the Gasoline and Motor Vehicle Revenue
33 Account of the Transportation Trust Fund.

1 **(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND**
 2 **JULY 1, 2009, INSTEAD OF THE DISTRIBUTION REQUIRED UNDER SUBSECTION**
 3 **(A)(1) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE**
 4 **REMAINING MOTOR FUEL TAX REVENUE AS FOLLOWS:**

5 **(1) \$6,500,000 TO THE GENERAL FUND OF THE STATE; AND**

6 **(2) THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.**

7 2-1302.1.

8 **(A) [After] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
 9 **AFTER making the distributions required under §§ 2-1301 and 2-1302 of this subtitle,**
 10 **of the sales and use tax collected on short-term vehicle rentals under § 11-104(c) of**
 11 **this article the Comptroller shall distribute:**

12 **(1) 45% to the Transportation Trust Fund established under § 3-216**
 13 **of the Transportation Article; and**

14 **(2) the remainder to the Chesapeake Bay 2010 Trust Fund.**

15 **(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND**
 16 **JULY 1, 2009, AFTER THE DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1)**
 17 **OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINDER OF**
 18 **THE SALES AND USE TAX COLLECTED ON SHORT-TERM VEHICLE RENTALS**
 19 **UNDER § 11-104(C) OF THIS ARTICLE AS FOLLOWS:**

20 **(1) \$18,500,000 TO THE GENERAL FUND OF THE STATE; AND**

21 **(2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST**
 22 **FUND.**

23 2-1302.2.

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

29 **(B) FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2008, AND**
 30 **JULY 1, 2009, THE COMPTROLLER SHALL DEDUCT FROM THE AMOUNT**
 31 **SPECIFIED TO BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER**
 32 **SUBSECTION (A) OF THIS SECTION AND DISTRIBUTE TO THE STATE POLICE**
 33 **HELICOPTER REPLACEMENT FUND ESTABLISHED UNDER § 2-801 OF THE**
 34 **PUBLIC SAFETY ARTICLE AN AMOUNT EQUAL TO \$35,000,000.**

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

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

4 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any
5 other provision of law, from the sales and use tax revenue collected from January 1,
6 2008, through the end of June 30, 2008, the Comptroller shall distribute
7 [\$110,000,000] **\$50,000,000** to the State Police Helicopter Replacement Fund
8 established under § 2-801 of the Public Safety Article. It is the intent of the General
9 Assembly that the Governor include in the annual budget bill in fiscal years 2009
10 through 2012, an amount sufficient from the Fund, to purchase 3 helicopters each
11 fiscal year. It is the further intent of the General Assembly that the State Police
12 purchase a flight simulator to use for helicopter pilot training.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.