

CHAPTER 414

(Senate Bill 527)

AN ACT concerning

Spending Mandate and Revenue Dedication Relief Act

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

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

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

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

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

BY repealing and reenacting, with amendments,

Chapter 6 of the Acts of the General Assembly of the 2007 Special Session
Section 6

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

Article – Courts and Judicial Proceedings

1-504.

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

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

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

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

Article – Education

~~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;

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

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

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

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

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

23-503.

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

- (i) For fiscal year 2006 – \$12.00;
- (ii) For fiscal year 2007 – \$13.00;
- (iii) For fiscal year 2008 – \$14.00;
- (iv) For fiscal year 2009 – [~~\$15.00; and~~] **\$14.00;**
- (v) For fiscal year 2010 – **\$15.00; AND**

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

- (2) (i) The State shall share in this amount.
- (ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

Article - Health - General

15-139.

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

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

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

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

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

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

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

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

Article - Tax - General

2-1104.

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

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

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

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

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

(2) THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.**2-1302.1.**

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

- (1) 45% to the Transportation Trust Fund established under § 3-216 of the Transportation Article; and**
- (2) the remainder to the Chesapeake Bay 2010 Trust Fund.**

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

- (1) \$18,500,000 TO THE GENERAL FUND OF THE STATE; AND**
- (2) THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST FUND.**

~~2-1302.2.~~

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

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

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

Chapter 6 of the Acts of the 2007 Special Session

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.