

HOUSE BILL 1561

P1

9lr0060

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Veterans Affairs)**

Rules suspended

Introduced and read first time: March 12, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Veterans Trust Fund**

3 FOR the purpose of establishing the Maryland Veterans Trust Fund in the
4 Department of Veterans Affairs for certain purposes; providing for the uses and
5 administration of the Fund; authorizing the deposit of certain gifts and grants
6 in the Fund under certain circumstances; authorizing the award of certain
7 grants and loans to certain persons under certain circumstances from the Fund;
8 requiring certain units and persons to advise the Secretary of Veterans Affairs
9 on the administration of the Fund; requiring the Secretary to adopt certain
10 regulations; stating a certain intent concerning certain funding; requiring the
11 Secretary to report each year to the General Assembly on the Fund; and
12 generally relating to the Maryland Veterans Trust Fund.

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 9–912
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2008 Supplement)

18 BY adding to
19 Article – State Government
20 Section 9–913
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2008 Supplement)

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

25 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9–912.

2 (a) To carry out the responsibilities and goals of the Department [concerning
3 the home], the Department may acquire, hold, use, improve, and convey property.

4 (b) In addition to any other power under this section and subject to Title 7 of
5 the State Finance and Procurement Article, to carry out the purposes or goals of the
6 Department, the [home] **DEPARTMENT MAY:**

7 (1) [may] accept a gift or grant; and

8 (2) unless the terms of a gift or grant require otherwise, and subject to
9 the approval of the Secretary[, may]:

10 (i) spend the principal and income of the gift or grant
11 **THROUGH GRANTS OR LOANS TO:**

12 **1. VETERANS AND THEIR FAMILIES;**

13 **2. PUBLIC AND PRIVATE PROGRAMS THAT SUPPORT**
14 **VETERANS AND THEIR FAMILIES; OR**

15 **3. ANY OTHER PROGRAMS THAT THE SECRETARY**
16 **CONSIDERS APPROPRIATE; or**

17 (ii) invest all or part of the principal and income in:

18 1. general obligations of the State; or

19 2. any other security.

20 (c) **(1) GIFTS AND GRANTS THAT THE DEPARTMENT ACCEPTS UNDER**
21 **SUBSECTION (B) OF THIS SECTION SHALL BE DEPOSITED IN THE MARYLAND**
22 **VETERANS TRUST FUND UNDER § 9–913 OF THIS SUBTITLE.**

23 **(2) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT**
24 **A PROGRAM FOR GIFTS AND GRANTS MADE UNDER SUBSECTION (B)(2) OF THIS**
25 **SECTION.**

26 (D) (1) In addition to any other power under this section, the Department
27 may lease any part of the home property for use as a concession or other commercial
28 purpose that is consistent with the purposes of the Department. However, the
29 Department may not lease its property merely for investment purposes.

1 (2) Notwithstanding any other law, unless the lease expressly provides
2 for redemption by the tenant, the lease is not subject to redemption.

3 **9-913.**

4 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND VETERANS
5 TRUST FUND.

6 (B) THERE IS A MARYLAND VETERANS TRUST FUND IN THE
7 DEPARTMENT.

8 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
9 SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND
10 PROCUREMENT ARTICLE.

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

13 (D) (1) THE SECRETARY SHALL ADMINISTER THE FUND.

14 (2) THE MARYLAND VETERANS COMMISSION, THE MARYLAND
15 VETERANS' HOME COMMISSION, AND PROGRAM DIRECTORS SHALL ADVISE THE
16 SECRETARY ON THE ADMINISTRATION OF THE FUND.

17 (E) THE FUND CONSISTS OF GIFTS AND GRANTS THAT THE
18 DEPARTMENT RECEIVES UNDER § 9-912(B) OF THIS SUBTITLE.

19 (F) MONEY IN THE FUND MAY ONLY BE USED TO:

20 (1) MAKE GRANTS AND LOANS UNDER § 9-912(B)(2)(I) OF THIS
21 SUBTITLE;

22 (2) BE INVESTED UNDER § 9-912(B)(2)(II) OF THIS SUBTITLE;
23 AND

24 (3) PAY THE COSTS OF ADMINISTERING THE FUND THROUGH
25 DISTRIBUTION TO AN ADMINISTRATIVE COST ACCOUNT IN THE DEPARTMENT.

26 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY IN THE
27 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

28 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE
29 CREDITED TO THE FUND.

1 **(H) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS**
2 **NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE**
3 **APPROPRIATED TO THE DEPARTMENT.**

4 **(I) (1) ON OR BEFORE AUGUST 31 OF EACH YEAR, THE SECRETARY**
5 **SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §**
6 **2-1246 OF THIS ARTICLE, ON THE STATUS OF THE FUND.**

7 **(2) THE REPORT SHALL INCLUDE:**

8 **(I) THE GROSS AMOUNT OF GIFTS AND GRANTS CREDITED**
9 **TO THE FUND;**

10 **(II) THE COSTS OF ADMINISTRATION OF THE FUND; AND**

11 **(III) A DETAILED ACCOUNTING OF THE USE OF THE FUND.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2009.