

# SENATE BILL 796

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CF HB 957

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By: **Senator Della**

Introduced and read first time: February 6, 2009

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2009

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

1 AN ACT concerning

2 **Office of the Treasurer – Community Services Trust Fund – ~~Restructuring~~**  
3 **Workgroup**

4 FOR the purpose of ~~altering the purpose of the Community Services Trust Fund in the~~  
5 ~~Office of the Treasurer; repealing an account holding certain proceeds from the~~  
6 ~~sale or long term lease of property and equipment resulting from the sale or~~  
7 ~~long term lease of Mental Hygiene Administration facilities and certain~~  
8 ~~provisions of law relating to the transfer of funds from the account; and~~  
9 ~~generally relating to the repeal of the Mental Hygiene Administration account~~  
10 ~~of the Community Services Trust Fund~~ requiring the Secretary of Health and  
11 Mental Hygiene, in collaboration with the Office of the Treasurer, to convene a  
12 workgroup to evaluate and make recommendations regarding the Community  
13 Services Trust Fund; requiring the Department of Health and Mental Hygiene  
14 to make a certain report on or before a certain date; requiring certain funds and  
15 proceeds to remain in or accrue to the Trust Fund until the Department makes  
16 a certain report; and generally relating to the Community Services Trust Fund.

17 ~~BY repealing and reenacting, without amendments,~~  
18 ~~Article – Health – General~~  
19 ~~Section 24 – 1101~~  
20 ~~Annotated Code of Maryland~~  
21 ~~(2005 Replacement Volume and 2008 Supplement)~~

22 ~~BY repealing and reenacting, with amendments,~~  
23 ~~Article – Health – General~~  
24 ~~Section 24 – 1102, 24 – 1103, 24 – 1104, and 24 – 1105~~

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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.



1 ~~Annotated Code of Maryland~~  
 2 ~~(2005 Replacement Volume and 2008 Supplement)~~

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

5 (a) The Secretary of Health and Mental Hygiene, in collaboration with the  
 6 Office of the Treasurer, shall convene a workgroup of affected stakeholders to evaluate  
 7 and make recommendations regarding:

8 (1) the structure of the Community Services Trust Fund;

9 (2) the transfer of funds to the Trust Fund;

10 (3) the use and protection of the funds that are transferred to the  
 11 Trust Fund; and

12 (4) other issues relevant to maximizing the effectiveness of the Trust  
 13 Fund.

14 (b) On or before December 1, 2009, the Department of Health and Mental  
 15 Hygiene shall report the findings and recommendations of the workgroup to the  
 16 Governor and, in accordance with § 2-1246 of the State Government Article, the  
 17 General Assembly.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any  
 19 other provision of law, funds in the Community Services Trust Fund and any future  
 20 proceeds from the sale of State property that by law would accrue to the Community  
 21 Services Trust Fund or to the Mental Hygiene Community-Based Services Fund as  
 22 provided in § 10-208 of the Health – General Article shall remain in, or accrue to, the  
 23 Community Services Trust Fund and shall not revert to the General Fund or be used  
 24 for any other purpose until the Department of Health and Mental Hygiene reports on  
 25 the findings and recommendations of the workgroup convened under Section 1 of this  
 26 Act.

27 ~~Article Health General~~

28 ~~24-1101.~~

29 (a) ~~In this subtitle the following words have the meanings indicated.~~

30 (b) ~~“Trust Fund” means the Community Services Trust Fund.~~

31 (c) ~~“Proceeds” means the gross proceeds minus the costs associated with the~~  
 32 ~~sale, lease, or disposition of property and equipment, as determined by the~~  
 33 ~~Department of General Services.~~

34 ~~24-1102.~~

1           (a) ~~There is a Community Services Trust Fund in the Office of the Treasurer.~~

2           (b) ~~The purpose of the Trust Fund is to receive and hold the proceeds from~~  
3 ~~the sale or long term lease of property and equipment of a Developmental Disabilities~~  
4 ~~Administration facility [or a Mental Hygiene Administration facility].~~

5 ~~24-1103.~~

6           (a) ~~The Trust Fund is a continuing, nonlapsing fund that is not subject to §~~  
7 ~~7-302 of the State Finance and Procurement Article.~~

8           (b) (1) ~~The Treasurer shall hold the Trust Fund and the Comptroller shall~~  
9 ~~account for the Trust Fund.~~

10                   (2) (i) ~~The Trust Fund shall be invested and reinvested in the~~  
11 ~~same manner as other State funds.~~

12                           (ii) ~~Any investment earnings of the Trust Fund shall be paid~~  
13 ~~into the Trust Fund.~~

14                   (3) ~~The Treasurer shall deposit funds into the [two accounts]~~  
15 ~~ACCOUNT of the Trust Fund in accordance with § 24-1104 of this subtitle.~~

16 ~~24-1104.~~

17           (a) ~~The Trust Fund consists of [two accounts] ONE ACCOUNT.~~

18           (b) ~~[(1) One] THE account holds the proceeds from the sale or long term~~  
19 ~~lease of property and equipment resulting from the sale or long term lease of~~  
20 ~~Developmental Disabilities Administration facilities.~~

21                   ~~[(2) One account holds the proceeds from the sale or long term lease of~~  
22 ~~property and equipment resulting from the sale or long term lease of Mental Hygiene~~  
23 ~~Administration facilities.]~~

24 ~~24-1105.~~

25           (a) ~~The Trust Fund may only be used in accordance with this section.~~

26           (b) ~~In accordance with an appropriation approved by the General Assembly~~  
27 ~~in the State budget, the Comptroller shall transfer the investment earnings off:~~

28                   (1) ~~The] THE Developmental Disabilities Administration account of~~  
29 ~~the Trust Fund into the Waiting List Equity Fund established under § 7-206 of this~~  
30 ~~article]; and~~

SENATE BILL 796

1                   ~~(2) The Mental Hygiene Administration account of the Trust Fund~~  
 2 ~~into the Mental Hygiene Community Based Services Fund established under § 10-208~~  
 3 ~~of this article].~~

4                   SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
 5 effect ~~October~~ June 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.