

CHAPTER 603

(Senate Bill 796)

AN ACT concerning

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

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

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

~~BY repealing and reenacting, with amendments,
Article – Health – General
Section 24 – 1102, 24 – 1103, 24 – 1104, and 24 – 1105
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)~~

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

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

- (1) the structure of the Community Services Trust Fund;
- (2) the transfer of funds to the Trust Fund;

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

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

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

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

~~**Article Health General**~~

~~24-1101.~~

- (a) ~~In this subtitle the following words have the meanings indicated.~~
- (b) ~~“Trust Fund” means the Community Services Trust Fund.~~
- (c) ~~“Proceeds” means the gross proceeds minus the costs associated with the sale, lease, or disposition of property and equipment, as determined by the Department of General Services.~~

~~24-1102.~~

- (a) ~~There is a Community Services Trust Fund in the Office of the Treasurer.~~
- (b) ~~The purpose of the Trust Fund is to receive and hold the proceeds from the sale or long term lease of property and equipment of a Developmental Disabilities Administration facility [or a Mental Hygiene Administration facility].~~

~~24-1103.~~

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

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

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

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

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

~~24-1104.~~

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

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

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

~~24-1105.~~

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

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

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

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

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

Approved by the Governor, May 19, 2009.