

(3) THE TOTAL USER FEES ASSESSED BY THE COMMISSION MAY NOT EXCEED THE SPECIAL FUND APPROPRIATION FOR THE COMMISSION BY MORE THAN 20%.

[(3) Subject to the provisions of paragraph (2) of this subsection, for Fiscal Years 1995, 1996, and 1997 the total user fees assessed by the Commission shall be equal to the General Fund appropriation.]

~~(3)~~ (4) THE COMMISSION SHALL PAY ALL FUNDS COLLECTED FROM FEES ASSESSED IN ACCORDANCE WITH THIS SECTION INTO THE HEALTH RESOURCES PLANNING COMMISSION FUND.

[(4) Subject to the provisions of paragraph (2) of this subsection, for Fiscal Year 1998 and each fiscal year thereafter, the total user fees assessed by the Commission shall be equal to 4 times the net State contribution.]

(5) The Commission shall pay all funds collected from user fees and application fees into the General Fund of the State.]

[(6)](4) (5) All user fee revenue assessed by the Commission shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle, and may only be expended for purposes authorized by the provisions of this subtitle.

(C) (1) THERE IS A HEALTH RESOURCES PLANNING COMMISSION FUND.

(2) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO §7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE TREASURER SHALL SEPARATELY HOLD, AND THE COMPTROLLER SHALL ACCOUNT FOR, THE FUND.

(4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS.

(5) ANY INVESTMENT EARNINGS SHALL BE RETAINED TO THE CREDIT OF THE FUND.

(6) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED FOR IN §2-1215 OF THE STATE GOVERNMENT ARTICLE.

(7) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND FROM RECEIVING FUNDS FROM ANY OTHER SOURCE.

(8) THE FUND SHALL BE USED ONLY TO PROVIDE FUNDING FOR THE COMMISSION AND FOR THE PURPOSES AUTHORIZED UNDER THIS SUBTITLE.

[(c)](D) The Commission shall:

(1) Assess user fees for each facility equal to the sum of:

(i) The amount equal to one half of the total user fees times the ratio of admissions of the facility to total admissions of all facilities; and