

HOUSE BILL 10

M1, Q6

(PRE-FILED)

6lr1204
CF 6lr1301

By: **Delegate Gaines**

Requested: November 13, 2015

Introduced and read first time: January 13, 2016

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Transfer Tax Repayment – Use of Funds**

3 FOR the purpose of requiring that a certain appropriation to Program Open Space
4 representing certain reimbursements be used for certain purposes; and generally
5 relating to appropriations to Program Open Space.

6 BY repealing and reenacting, with amendments,

7 Article – Tax – Property

8 Section 13–209(g)

9 Annotated Code of Maryland

10 (2012 Replacement Volume and 2015 Supplement)

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

13 **Article – Tax – Property**

14 13–209.

15 (g) (1) Notwithstanding § 7–311(j) of the State Finance and Procurement
16 Article, subject to paragraph (3) of this subsection, for fiscal year 2019 and for each
17 subsequent fiscal year, if the unappropriated General Fund surplus as of June 30 of the
18 second preceding year exceeds \$10,000,000, the Governor shall include in the budget bill a
19 General Fund appropriation to the special fund under subsection (a) of this section in an
20 amount equal to at least the lesser of \$50,000,000 or the excess surplus over \$10,000,000.

21 (2) For any fiscal year to which this subsection applies:

22 (i) unless the unappropriated General Fund surplus as of June 30
23 of the second preceding fiscal year exceeds the sum of \$10,000,000 and the amount required

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to be appropriated to the special fund under paragraph (1) of this subsection, the
2 appropriation to the Revenue Stabilization Account under § 7-311(j) of the State Finance
3 and Procurement Article is not required; and

4 (ii) if the unappropriated General Fund surplus as of June 30 of the
5 second preceding fiscal year exceeds the sum of \$10,000,000 and the amount required to be
6 appropriated to the special fund under paragraph (1) of this subsection, the appropriation
7 required to the Revenue Stabilization Account under § 7-311(j) of the State Finance and
8 Procurement Article shall equal the amount by which that surplus exceeds the sum of
9 \$10,000,000 and the amount appropriated to the special fund under paragraph (1) of this
10 subsection.

11 (3) (i) The cumulative amount required to be appropriated to the
12 special fund under paragraph (1) of this subsection for all fiscal years shall equal the
13 cumulative amount of any appropriation or transfer from the special fund to the General
14 Fund for fiscal year 2006 and for each subsequent fiscal year, reduced by:

15 1. the amount of any appropriation or transfer from the
16 General Fund to the special fund for any fiscal year in excess of the amount required under
17 paragraph (1) of this subsection for that fiscal year; and

18 2. the amount of any appropriation or transfer from the
19 General Fund to the special fund for any fiscal year in which the appropriation under
20 paragraph (1) of this subsection is not required.

21 (ii) This subsection does not apply to any fiscal year if a cumulative
22 amount has been appropriated to the special fund for prior fiscal years under this
23 subsection equal to the cumulative amount of any appropriation or transfer from the special
24 fund to the General Fund for fiscal year 2006 and for each subsequent fiscal year, reduced
25 by:

26 1. the amount of any appropriation or transfer from the
27 General Fund to the special fund for any fiscal year in excess of the amount required under
28 paragraph (1) of this subsection for that fiscal year; and

29 2. the amount of any appropriation or transfer from the
30 General Fund to the special fund for any fiscal year in which the appropriation under
31 paragraph (1) of this subsection is not required.

32 **(4) NOTWITHSTANDING SUBSECTIONS (B) THROUGH (F) OF THIS**
33 **SECTION, THE CUMULATIVE AMOUNT APPROPRIATED TO THE SPECIAL FUND UNDER**
34 **THIS SUBSECTION THAT REPRESENTS REIMBURSEMENT FOR THE TRANSFER FROM**
35 **THE SPECIAL FUND TO THE GENERAL FUND FOR FISCAL YEAR 2006 MAY BE USED**
36 **ONLY FOR CAPITAL PURPOSES RELATED TO:**

1 **(I) CRITICAL MAINTENANCE PROJECTS IN THE DEPARTMENT**
2 **OF NATURAL RESOURCES; AND**

3 **(II) NATURAL RESOURCES DEVELOPMENT FUND PROJECTS IN**
4 **THE DEPARTMENT OF NATURAL RESOURCES.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2016.