

(PRE-FILED)

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By: **Delegates Leopold, G. Clagett, James, and Sophocleus**

Requested: September 7, 2004

Introduced and read first time: January 12, 2005

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Waterway Improvement Fund - Funding**

3 FOR the purpose of requiring the Governor to appropriate a certain amount to the  
4 Waterway Improvement Fund under certain circumstances; clarifying certain  
5 requirements for appropriations to the Revenue Stabilization Account; and  
6 generally relating to the funding of the Waterway Improvement Fund.

7 BY adding to

8 Article - Natural Resources

9 Section 8-707(d)

10 Annotated Code of Maryland

11 (2000 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article - State Finance and Procurement

14 Section 7-311(e) and (f)

15 Annotated Code of Maryland

16 (2001 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - State Finance and Procurement

19 Section 7-311(j)

20 Annotated Code of Maryland

21 (2001 Replacement Volume and 2004 Supplement)

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

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**Article - Natural Resources**

2 8-707.

3 (D) (1) NOTWITHSTANDING § 7-311(G) OF THE STATE FINANCE AND  
4 PROCUREMENT ARTICLE, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF  
5 JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS \$60,000,000, EXCEPT AS  
6 PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL:

7 (I) FOR FISCAL 2007, INCLUDE IN THE BUDGET BILL A GENERAL  
8 FUND APPROPRIATION TO THE WATERWAY IMPROVEMENT FUND IN AN AMOUNT  
9 EQUAL TO THE LESSER OF \$2,000,000 OR THE EXCESS SURPLUS OVER \$60,000,000; AND

10 (II) FOR FISCAL 2008 AND FOR EACH SUBSEQUENT FISCAL YEAR,  
11 INCLUDE IN THE BUDGET BILL A GENERAL FUND APPROPRIATION TO THE  
12 WATERWAY IMPROVEMENT FUND IN AN AMOUNT EQUAL TO THE LESSER OF  
13 \$5,000,000 OR THE EXCESS SURPLUS OVER \$60,000,000.

14 (2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

15 (I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS  
16 OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF  
17 \$60,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE WATERWAY  
18 IMPROVEMENT FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
19 APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF  
20 THE STATE FINANCE AND PROCUREMENT ARTICLE IS NOT REQUIRED; AND

21 (II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF  
22 JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$60,000,000  
23 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE WATERWAY  
24 IMPROVEMENT FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
25 APPROPRIATION REQUIRED TO THE REVENUE STABILIZATION ACCOUNT UNDER §  
26 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL THE  
27 AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE SUM OF \$60,000,000 AND THE  
28 AMOUNT APPROPRIATED TO THE WATERWAY IMPROVEMENT FUND UNDER  
29 PARAGRAPH (1) OF THIS SUBSECTION.

30 (3) (I) THE CUMULATIVE AMOUNT APPROPRIATED TO THE WATERWAY  
31 IMPROVEMENT FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ALL FISCAL  
32 YEARS MAY NOT EXCEED \$27,000,000.

33 (II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A  
34 CUMULATIVE AMOUNT EQUAL TO AT LEAST \$27,000,000 HAS BEEN APPROPRIATED TO  
35 THE WATERWAY IMPROVEMENT FUND FOR PRIOR FISCAL YEARS UNDER THIS  
36 SUBSECTION.

1 **Article - State Finance and Procurement**

2 7-311.

3 (e) Except as provided in subsection (f) of this section, for each fiscal year:

4 (1) if the Account balance is below 3% of the estimated General Fund  
5 revenues for that fiscal year, the Governor shall include in the budget bill an  
6 appropriation to the Account equal to at least \$100,000,000; and

7 (2) if the Account balance is at least 3% but less than 5% of the estimated  
8 General Fund revenues for that fiscal year, the Governor shall include in the budget  
9 bill an appropriation to the Account equal to at least the lesser of \$50,000,000 or  
10 whatever amount is required for the Account balance to exceed 5% of the estimated  
11 General Fund revenues for that fiscal year.

12 (f) The appropriations required by subsection (e) of this section are not  
13 required when the Account balance exceeds 5% of the estimated General Fund  
14 revenues.

15 (j) (1) Except as provided in paragraph [(2)] (3) of this subsection and §  
16 3-216(g) of the Transportation Article, for fiscal year 2006 [and for each subsequent  
17 fiscal year], the Governor shall include in the budget bill an appropriation to the  
18 Account equal to the amount by which the unappropriated General Fund surplus as  
19 of June 30 of the second preceding fiscal year exceeds \$10,000,000.

20 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, §  
21 3-216(G) OF THE TRANSPORTATION ARTICLE, AND § 8-707 OF THE NATURAL  
22 RESOURCES ARTICLE, FOR FISCAL YEAR 2007 AND FOR EACH SUBSEQUENT FISCAL  
23 YEAR, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO  
24 THE ACCOUNT EQUAL TO THE AMOUNT BY WHICH THE UNAPPROPRIATED GENERAL  
25 FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS  
26 \$10,000,000.

27 [(2)] (3) The appropriation required under this subsection for any fiscal  
28 year may be reduced by the amount of any appropriation to the Account required to be  
29 included for that fiscal year under subsection (e) of this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2005.