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By: **Delegate Cadden**

Introduced and read first time: January 24, 2005

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Waterway Improvement Fund - Repayment of Funds**

3 FOR the purpose of requiring the Governor to include in the budget certain  
4 appropriations from the General Fund to the Waterway Improvement Fund  
5 under certain circumstances; altering a certain requirement for the Governor to  
6 include in the budget certain appropriations to a certain account under certain  
7 circumstances; and generally relating to the financing of the Waterway  
8 Improvement Fund.

9 BY adding to  
10 Article - Natural Resources  
11 Section 8-707(d)  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article - State Finance and Procurement  
16 Section 7-311(e) and (f)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - State Finance and Procurement  
21 Section 7-311(j)  
22 Annotated Code of Maryland  
23 (2001 Replacement Volume and 2004 Supplement)

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

1

**Article - Natural Resources**

2 8-707.

3 (D) (1) NOTWITHSTANDING § 7-311(J) OF THE STATE FINANCE AND  
4 PROCUREMENT ARTICLE, FOR FISCAL YEAR 2007 AND FOR EACH SUBSEQUENT  
5 FISCAL YEAR, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF  
6 THE SECOND PRECEDING FISCAL YEAR EXCEEDS \$60,000,000, EXCEPT AS PROVIDED  
7 IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE  
8 BUDGET BILL A GENERAL FUND APPROPRIATION TO THE WATERWAY IMPROVEMENT  
9 FUND IN AN AMOUNT EQUAL TO THE LESSER OF \$19,000,000 OR THE EXCESS SURPLUS  
10 OVER \$60,000,000.

11 (2) FOR ANY FISCAL YEAR IN WHICH THIS SUBSECTION APPLIES:

12 (I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS  
13 OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF  
14 \$60,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE WATERWAY  
15 IMPROVEMENT FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
16 APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF  
17 THE STATE FINANCE AND PROCUREMENT ARTICLE IS NOT REQUIRED; AND

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

27 (3) (I) THE CUMULATIVE AMOUNT APPROPRIATED TO THE WATERWAY  
28 IMPROVEMENT FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ALL FISCAL  
29 YEARS MAY NOT EXCEED \$19,000,000.

30 (II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A  
31 CUMULATIVE AMOUNT EQUAL TO AT LEAST \$19,000,000 HAS BEEN APPROPRIATED TO  
32 THE WATERWAY IMPROVEMENT FUND FOR PRIOR FISCAL YEARS UNDER THIS  
33 SUBSECTION.

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**Article - State Finance and Procurement**

35 7-311.

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

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

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

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

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

14           (2)       EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, §  
15 3-216(G) OF THE TRANSPORTATION ARTICLE, AND § 8-707 OF THE NATURAL  
16 RESOURCES ARTICLE, FOR FISCAL YEAR 2007 AND FOR EACH SUBSEQUENT FISCAL  
17 YEAR, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO  
18 THE ACCOUNT EQUAL TO THE AMOUNT BY WHICH THE UNAPPROPRIATED GENERAL  
19 FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS  
20 \$10,000,000.

21           [(2)]   (3)       The appropriation required under this subsection for any fiscal  
22 year may be reduced by the amount of any appropriation to the Account required to be  
23 included for that fiscal year under subsection (e) of this section.

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