
By: **Delegates Cadden, Bohanan, Boschert, Bozman, V. Clagett, Conway,
Costa, DeBoy, Elmore, Frush, Gilleland, James, Jameson, Kullen, Love,
McConkey, Menes, Minnick, Proctor, Sophocleus, Weir, and Wood**

Introduced and read first time: February 1, 2006

Assigned to: Appropriations

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 bill 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 bill certain appropriations to a certain account under
7 certain 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 2005 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 2005 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 2005 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 2008 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 \$10,000,000, EXCEPT AS PROVIDED
7 IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE
8 IN THE BUDGET BILL A GENERAL FUND APPROPRIATION TO THE WATERWAY
9 IMPROVEMENT FUND IN AN AMOUNT EQUAL TO THE LESSER OF \$27,000,000 OR THE
10 EXCESS SURPLUS OVER \$10,000,000.

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 \$10,000,000 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 \$10,000,000
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 \$10,000,000 AND THE
25 AMOUNT APPROPRIATED TO THE WATERWAY IMPROVEMENT FUND UNDER
26 PARAGRAPH (1) OF THIS SUBSECTION.

27 (3) FOR FISCAL YEAR 2012 AND FOR EACH SUBSEQUENT FISCAL YEAR, A
28 GENERAL FUND APPROPRIATION TO THE WATERWAY IMPROVEMENT FUND SHALL
29 ONLY BE MADE AFTER ANY REQUIRED APPROPRIATIONS UNDER § 13-209(G) OF THE
30 TAX - PROPERTY ARTICLE.

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

34 (II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A
35 CUMULATIVE AMOUNT EQUAL TO AT LEAST \$27,000,000 HAS BEEN APPROPRIATED TO
36 THE WATERWAY IMPROVEMENT FUND FOR PRIOR FISCAL YEARS UNDER THIS
37 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; and7 (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 § 13-209(g) of the Tax - Property Article, for fiscal year 2007 [and for each
17 subsequent fiscal year], the Governor shall include in the budget bill an
18 appropriation to the Account equal to the amount by which the unappropriated
19 General Fund surplus as of June 30 of the second preceding fiscal year exceeds
20 \$10,000,000.21 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
22 § 13-209(G) OF THE TAX - PROPERTY ARTICLE, AND § 8-707 OF THE NATURAL
23 RESOURCES ARTICLE, FOR FISCAL YEAR 2008 AND FOR EACH SUBSEQUENT FISCAL
24 YEAR, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO
25 THE ACCOUNT EQUAL TO THE AMOUNT BY WHICH THE UNAPPROPRIATED GENERAL
26 FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS
27 \$10,000,000.28 [(2)] (3) The appropriation required under this subsection for any fiscal
29 year may be reduced by the amount of any appropriation to the Account required to be
30 included for that fiscal year under subsection (e) of this section.31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2006.