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By: **Delegates James, Cadden, Barkley, Barve, Bohanan, Cane, Cardin,  
G. Clagett, V. Clagett, C. Davis, DeBoy, Edwards, Franchot, Frush,  
Gaines, Holmes, Hubbard, Jennings, Leopold, Madaleno, McIntosh,  
Montgomery, Niemann, Proctor, Quinter, Stern, F. Turner, and Weir**

Introduced and read first time: February 8, 2006

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Land Preservation - Repayment of Transfers to General Fund**

3 FOR the purpose of making applicable to certain fiscal years a requirement that the  
4 Governor include in the annual budget bill under certain circumstances a  
5 certain General Fund appropriation to a certain special fund; repealing a certain  
6 obsolete limitation on the requirement; and generally relating to a requirement  
7 that the Governor include in the annual budget bill under certain circumstances  
8 a certain General Fund appropriation to a certain special fund.

9 BY repealing and reenacting, with amendments,  
10 Article - Tax - Property  
11 Section 13-209(g)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2005 Supplement)

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

16 **Article - Tax - Property**

17 13-209.

18 (g) (1) Notwithstanding § 7-311(j) of the State Finance and Procurement  
19 Article, subject to paragraph (3) of this subsection, for fiscal year [2012] 2008 and for  
20 each subsequent fiscal year, if the unappropriated General Fund surplus as of June  
21 30 of the second preceding year exceeds \$10,000,000, the Governor shall include in  
22 the budget bill a General Fund appropriation to the special fund under subsection (a)  
23 of this section in an amount equal to at least the lesser of \$50,000,000 or the excess  
24 surplus over \$10,000,000.

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

1 (i) unless the unappropriated General Fund surplus as of June 30  
2 of the second preceding fiscal year exceeds the sum of \$10,000,000 and the amount  
3 required to be appropriated to the special fund under paragraph (1) of this subsection,  
4 the appropriation to the Revenue Stabilization Account under § 7-311(j) of the State  
5 Finance and Procurement Article is not required; and

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

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

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

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

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

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

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

34 [(iii) 1. Except as provided in subparagraph 2 of this  
35 subparagraph, this subsection does not apply to any fiscal year for which the  
36 Governor is required under § 3-216(g) of the Transportation Article to include an  
37 appropriation to the Transportation Trust Fund.

38 2. This subsection applies in any fiscal year in which the  
39 cumulative amount required to be appropriated under § 3-216(g) of the  
40 Transportation Article has been paid and there is excess surplus under subsection  
41 (g)(1) of this section.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2006.