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By: **Delegates James, Barkley, Bobo, Bronrott, Cane, Hubbard, Lee,  
Madaleno, Montgomery, Petzold, and Stern**

Introduced and read first time: February 10, 2006

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the determination of the cumulative amount required to  
4 be transferred under a certain provision requiring certain transfers from the  
5 General Fund to a certain special fund beginning in a certain fiscal year;  
6 specifying the amount of the annual transfer; deleting certain obsolete  
7 language; and generally relating to certain required transfers from the General  
8 Fund to a certain special fund for certain fiscal years.

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 and for each  
20 subsequent fiscal year, if the unappropriated General Fund surplus as of June 30 of  
21 the second preceding year exceeds \$10,000,000, the Governor shall include in the  
22 budget bill a General Fund appropriation to the special fund under subsection (a) of  
23 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:

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

1 required to be appropriated to the special fund under paragraph (1) of this subsection,  
2 the appropriation to the Revenue Stabilization Account under § 7-311(j) of the State  
3 Finance 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  
6 to be appropriated to the special fund under paragraph (1) of this subsection, the  
7 appropriation required to the Revenue Stabilization Account under § 7-311(j) of the  
8 State Finance and Procurement Article shall equal the amount by which that surplus  
9 exceeds the sum of \$10,000,000 and the amount appropriated to the special fund  
10 under paragraph (1) of this 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  
14 General Fund for fiscal year [2006] 2004 and for each subsequent fiscal year, reduced  
15 by:

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

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

22 (ii) This subsection does not apply to any fiscal year if a cumulative  
23 amount has been appropriated to the special fund for prior fiscal years under this  
24 subsection equal to the cumulative amount of any appropriation or transfer from the  
25 special fund to the General Fund for fiscal year [2006] 2004 and for each subsequent  
26 fiscal year, reduced by:

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

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

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

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

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