

# SENATE BILL 233

R2, B1

2lr0810

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By: **Senators Jacobs, Colburn, Glassman, Jennings, Kittleman, Reilly, and Young**

Introduced and read first time: January 20, 2012

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Trust Fund – Appropriation of General Fund Surplus**

3 FOR the purpose of requiring the Governor to include in the budget bill in certain  
4 fiscal years an appropriation to the Transportation Trust Fund of a certain  
5 amount of an unappropriated General Fund surplus; providing that cumulative  
6 appropriations to the Transportation Trust Fund required under this Act may  
7 not exceed a certain amount; and generally relating to the appropriation of  
8 unappropriated General Fund surpluses to the Transportation Trust Fund.

9 BY repealing and reenacting, with amendments,  
10 Article – State Finance and Procurement  
11 Section 7–311(j)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2011 Supplement)

14 BY adding to  
15 Article – Transportation  
16 Section 3–218  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2011 Supplement)

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

21 **Article – State Finance and Procurement**

22 7–311.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (j) (1) Except as provided in paragraph (2) of this subsection [and], §  
2 13-209(g) of the Tax – Property Article, **AND § 3-218 OF THE TRANSPORTATION**  
3 **ARTICLE**, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall  
4 include in the budget bill an appropriation to the Account equal to the amount by  
5 which the unappropriated General Fund surplus as of June 30 of the second preceding  
6 fiscal year exceeds \$10,000,000.

7 (2) The appropriation required under this subsection for any fiscal  
8 year may be reduced by the amount of any appropriation to the Account required to be  
9 included for that fiscal year under subsection (e) of this section.

## 10 **Article – Transportation**

### 11 **3-218.**

12 (A) **SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION AND**  
13 **NOTWITHSTANDING § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT**  
14 **ARTICLE, FOR FISCAL YEAR 2014 AND FOR EACH SUBSEQUENT FISCAL YEAR, IF**  
15 **THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE**  
16 **SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000 AND THE**  
17 **AMOUNT REQUIRED TO BE APPROPRIATED UNDER § 13-209(G) OF THE**  
18 **TAX – PROPERTY ARTICLE, THE GOVERNOR SHALL INCLUDE IN THE BUDGET**  
19 **BILL AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND IN AN**  
20 **AMOUNT EQUAL TO THE LESSER OF \$50,000,000 OR THE EXCESS SURPLUS OVER**  
21 **THE SUM OF \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED**  
22 **UNDER § 13-209(G) OF THE TAX – PROPERTY ARTICLE.**

23 (B) **FOR ANY FISCAL YEAR TO WHICH THIS SECTION APPLIES:**

24 (1) **UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS**  
25 **OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF**  
26 **\$10,000,000, THE AMOUNT REQUIRED TO BE APPROPRIATED UNDER §**  
27 **13-209(G) OF THE TAX – PROPERTY ARTICLE, AND THE AMOUNT REQUIRED TO**  
28 **BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER THIS**  
29 **SECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT**  
30 **UNDER § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE IS**  
31 **NOT REQUIRED; AND**

32 (2) **IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF**  
33 **JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF**  
34 **\$10,000,000, THE AMOUNT REQUIRED TO BE APPROPRIATED UNDER §**  
35 **13-209(G) OF THE TAX – PROPERTY ARTICLE, AND THE AMOUNT REQUIRED TO**  
36 **BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER THIS**  
37 **SECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT**

1 REQUIRED UNDER § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT  
2 ARTICLE SHALL EQUAL THE AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE  
3 SUM OF \$10,000,000, THE AMOUNT REQUIRED TO BE APPROPRIATED UNDER §  
4 13-209(G) OF THE TAX - PROPERTY ARTICLE, AND THE AMOUNT REQUIRED TO  
5 BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER THIS  
6 SECTION.

7 (C) THE CUMULATIVE AMOUNT REQUIRED TO BE APPROPRIATED TO  
8 THE TRANSPORTATION TRUST FUND UNDER THIS SECTION FOR ALL FISCAL  
9 YEARS MAY NOT EXCEED \$1,136,500,000.

10 (D) THIS SECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A  
11 CUMULATIVE AMOUNT HAS BEEN APPROPRIATED TO THE TRANSPORTATION  
12 TRUST FUND FOR PRIOR FISCAL YEARS UNDER THIS SECTION EQUAL TO  
13 \$1,136,500,000.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2012.