

**HOUSE BILL 19**  
CONSTITUTIONAL AMENDMENT

Unofficial Copy  
Q5  
HB 1157/03 - APP

2004 Regular Session  
4r0293

(PRE-FILED)

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By: **Delegates Leopold, Franchot, McMillan, James, Dwyer, Edwards,  
Krebs, Bronrott, G. Clagett, DeBoy, Donoghue, Feldman, Goldwater,  
Hubbard, Jameson, Minnick, Mitchell, Simmons, Sophocleus, Stull, and  
Weir**

Requested: July 7, 2003

Introduced and read first time: January 14, 2004

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment - Transportation Trust Fund**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to  
4 establish a Transportation Trust Fund to be used only for certain purposes;  
5 providing for the crediting of certain revenues to the Transportation Trust Fund;  
6 authorizing the use of funds in the Transportation Trust Fund for certain  
7 purposes under certain circumstances; requiring the Governor to include certain  
8 provisions in the budget that provide for the repayment of certain funds to the  
9 Transportation Trust Fund under certain circumstances within a certain period  
10 of time; submitting this amendment to the qualified voters of the State of  
11 Maryland for their adoption or rejection; and generally relating to a proposed  
12 amendment to the Maryland Constitution to establish a Transportation Trust  
13 Fund to be used only for certain purposes.

14 BY proposing an addition to the Constitution of Maryland  
15 Article III - Legislative Department  
16 Section 53

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
19 concurring), That it be proposed that the Maryland Constitution read as follows:

20 **Article III - Legislative Department**

21 53.

22 (1) THERE IS A TRANSPORTATION TRUST FUND.

23 (2) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, THE FUNDS IN  
24 THE TRANSPORTATION TRUST FUND MAY ONLY BE USED:

1 (I) FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON  
2 TRANSPORTATION BONDS AS THEY BECOME DUE AND PAYABLE; AND

3 (II) AFTER MEETING DEBT SERVICE REQUIREMENTS FOR  
4 TRANSPORTATION BONDS, FOR ANY LAWFUL PURPOSE RELATED TO THE  
5 CONSTRUCTION AND MAINTENANCE OF AN ADEQUATE HIGHWAY SYSTEM IN THE  
6 STATE OR ANY OTHER TRANSPORTATION-RELATED PURPOSE.

7 (3) (I) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, NO PART  
8 OF THE TRANSPORTATION TRUST FUND MAY REVERT OR BE CREDITED TO THE  
9 GENERAL FUNDS OF THIS STATE.

10 (II) NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR BE  
11 CREDITED TO A SPECIAL FUND OF THE STATE, UNLESS OTHERWISE PROVIDED BY  
12 LAW THAT WAS IN EFFECT ON OR BEFORE OCTOBER 1, 2003.

13 (4) THERE SHALL BE CREDITED TO THE TRANSPORTATION TRUST FUND ALL  
14 TAXES, FEES, CHARGES, AND REVENUES COLLECTED OR RECEIVED BY OR PAID,  
15 APPROPRIATED, OR CREDITED TO THE TRANSPORTATION TRUST FUND, INCLUDING:

16 (I) THE CASH PROCEEDS OF THE SALE OF CONSOLIDATED  
17 TRANSPORTATION BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION ISSUED  
18 FOR TRANSPORTATION PURPOSES;

19 (II) ANY GENERAL FUND APPROPRIATIONS;

20 (III) THE PROCEEDS OF ANY STATE LOAN OR FEDERAL GRANT MADE FOR  
21 TRANSPORTATION PURPOSES;

22 (IV) ALL OF THE MOTOR FUEL TAX REVENUE;

23 (V) THE CORPORATE INCOME TAX REVENUE DISTRIBUTED TO THE  
24 TRANSPORTATION TRUST FUND UNDER § 2-614 OF THE TAX - GENERAL ARTICLE AS IT  
25 WAS IN EFFECT AS OF OCTOBER 1, 2003;

26 (VI) ALL OF THE MOTOR VEHICLE EXCISE TAX REVENUE;

27 (VII) THE SALES AND USE TAX REVENUES FROM SHORT-TERM RENTAL  
28 VEHICLES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 2-1302.1 OF  
29 THE TAX - GENERAL ARTICLE AS IT WAS IN EFFECT AS OF OCTOBER 1, 2003; AND

30 (VIII) ALL VEHICLE REGISTRATION FEES.

31 (5) THE FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE USED FOR  
32 DEFENSE OR RELIEF PURPOSES IF:

33 (I) THE STATE IS INVADED BY LAND, SEA, OR AIR, OR A MAJOR  
34 CATASTROPHE OCCURS;

35 (II) THE GOVERNOR:

- 1                   1.       PROCLAIMS A STATE OF EMERGENCY;
- 2                   2.       DECLARES THAT USE OF THE FUNDS FOR DEFENSE OR RELIEF
- 3 PURPOSES IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC
- 4 HEALTH OR SAFETY; AND
- 5                   3.       PROPOSES A PLAN TO REPAY THE TRANSPORTATION TRUST
- 6 FUND, WITHIN 5 YEARS AFTER THE USE OF THE FUNDS, FOR ANY AMOUNTS USED
- 7 UNDER THE AUTHORITY OF THIS SUBSECTION; AND

8                   (III)     THE GENERAL ASSEMBLY, BY LEGISLATION PASSED UPON A YEA AND

9 NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED TO EACH

10 OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS THAT THE USE OF THE

11 FUNDS FOR DEFENSE OR RELIEF PURPOSES IS NECESSARY AND APPROVES THE

12 REPAYMENT PLAN PROPOSED BY THE GOVERNOR.

13               (6)     IF THE GOVERNOR INCLUDES A PROVISION IN THE BUDGET TO TRANSFER

14 OR DIVERT REVENUES FROM THE TRANSPORTATION TRUST FUND TO THE GENERAL

15 FUND, THE GOVERNOR SHALL ALSO INCLUDE A PROVISION IN THE BUDGET THAT

16 PROVIDES FOR THE REPAYMENT WITHIN 5 YEARS OF THAT TRANSFER OR DIVERSION

17 TO THE TRANSPORTATION TRUST FUND FROM THE GENERAL FUND.

18       SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly

19 determines that the amendment to the Maryland Constitution proposed by this Act

20 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the

21 Maryland Constitution concerning local approval of constitutional amendments do

22 not apply.

23       SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section

24 proposed as an amendment to the Maryland Constitution shall be submitted to the

25 legal and qualified voters of this State at the next general election to be held in

26 November, 2004 for their adoption or rejection in pursuance of directions contained in

27 Article XIV of the Maryland Constitution. At that general election, the vote on this

28 proposed amendment to the Constitution shall be by ballot, and upon each ballot

29 there shall be printed the words "For the Constitutional Amendment" and "Against

30 the Constitutional Amendment," as now provided by law. Immediately after the

31 election, all returns shall be made to the Governor of the vote for and against the

32 proposed amendment, as directed by Article XIV of the Maryland Constitution, and

33 further proceedings had in accordance with Article XIV.