

HOUSE BILL 444

R7, B1

CONSTITUTIONAL AMENDMENT

71r1260

By: **Delegates Krebs, Ali, Aumann, Barkley, Bartlett, Bates, Beidle, Boteler, Bronrott, G. Clagett, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Feldman, Frank, George, Hubbard, Jennings, Kach, Kaiser, J. King, Kipke, Kramer, Lawton, Lee, Manno, McComas, McConkey, Mizeur, Montgomery, Rice, Schuh, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stocksdales, Stull, Weir, and Weldon**

Introduced and read first time: February 5, 2007

Assigned to: Ways and Means and Appropriations

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 provide
4 that money contained in any Transportation Trust Fund created by the General
5 Assembly may not be transferred or diverted from that Fund to the General
6 Fund of the State unless the Governor takes certain actions; providing that a
7 certain limitation does not apply under certain circumstances; submitting this
8 amendment to the qualified voters of the State of Maryland for their adoption or
9 rejection; and generally relating to a proposed amendment to the Maryland
10 Constitution to establish a Transportation Trust Fund to be used only for
11 certain purposes.

12 BY proposing an addition to the Maryland Constitution

13 Article III – Legislative Department

14 Section 53

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

18 **Article III – Legislative Department**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **53.**

2 (A) MONEY CONTAINED IN ANY TRANSPORTATION TRUST FUND
3 CREATED BY THE GENERAL ASSEMBLY MAY NOT BE TRANSFERRED OR
4 DIVERTED FROM THAT FUND TO THE GENERAL FUND OF THE STATE UNLESS
5 THE GOVERNOR:

6 (1) DECLARES THAT THE TRANSFER OR DIVERSION OF THE
7 MONEY IS NECESSARY; AND

8 (2) INCLUDES A PROVISION IN THE BUDGET BILL THAT
9 PROVIDES FOR THE REPAYMENT OF THE MONEY WITHIN 5 YEARS AFTER THE
10 TRANSFER OR DIVERSION.

11 (B) IN ANY FISCAL YEAR, THE LIMITATION IN SUBSECTION (A) OF THIS
12 SECTION DOES NOT APPLY IF THE AMOUNT OF MONEY TRANSFERRED OR
13 DIVERTED FROM THE TRANSPORTATION TRUST FUND IS LESS THAN 10
14 PERCENT OF THE BALANCE IN THE FUND.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
16 determines that the amendment to the Maryland Constitution proposed by this Act
17 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
18 Maryland Constitution concerning local approval of constitutional amendments do not
19 apply.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
21 proposed as an amendment to the Maryland Constitution shall be submitted to the
22 legal and qualified voters of this State at the next general election to be held in
23 November, 2008 for their adoption or rejection pursuant to Article XIV of the
24 Maryland Constitution. At that general election, the vote on this proposed amendment
25 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
26 words "For the Constitutional Amendment" and "Against the Constitutional
27 Amendment," as now provided by law. Immediately after the election, all returns shall
28 be made to the Governor of the vote for and against the proposed amendment, as
29 directed by Article XIV of the Maryland Constitution, and further proceedings had in
30 accordance with Article XIV.