

HOUSE BILL 1471

R1

8lr1291

By: **Delegates Frush, Barnes, Beidle, Bobo, Bromwell, Cardin, Carr, Carter, V. Clagett, Conaway, Dwyer, Gutierrez, Healey, Heller, Holmes, Hubbard, Hucker, Impallaria, Ivey, Kaiser, Kipke, Lafferty, Montgomery, Nathan-Pulliam, Niemann, Oaks, Olszewski, Pena-Melnyk, Ramirez, Robinson, Ross, Schuh, Schuler, Stein, Stukes, Tarrant, F. Turner, V. Turner, Valderrama, and Vaughn**

Introduced and read first time: February 15, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Intercounty Connector – Elimination of Funding**

3 FOR the purpose of requiring the Governor to include a certain appropriation to the
4 Transportation Trust Fund under certain circumstances; limiting the
5 cumulative amount of certain appropriations to the Transportation Trust Fund;
6 providing that a certain appropriation to the Revenue Stabilization Account
7 under a certain provision of law is not required except under certain
8 circumstances; altering the amount of a certain appropriation under certain
9 circumstances; prohibiting the State Department of Transportation and the
10 Maryland Transportation Authority from financing the Intercounty Connector
11 or expending any funds for the Intercounty Connector; repealing certain
12 provisions of law concerning the financing of the Intercounty Connector;
13 requiring the Maryland Transportation Authority to retire certain bonds
14 secured by a pledge of future federal aid in a certain manner; and generally
15 relating to the financing of the Intercounty Connector.

16 BY adding to

17 Article – Transportation
18 Section 3–216(g)
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2007 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Transportation
23 Section 4–321
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2001 Replacement Volume and 2007 Supplement)

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

Article - Transportation

3-216.

(G) (1) NOTWITHSTANDING § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, FOR FISCAL YEAR 2010 AND FOR EACH SUBSEQUENT FISCAL YEAR, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS \$10,000,000, EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND IN AN AMOUNT EQUAL TO THE LESSER OF \$50,000,000 OR THE EXCESS SURPLUS OVER \$10,000,000.

(2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

(I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE IS NOT REQUIRED; AND

(II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL THE AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) (I) THE CUMULATIVE AMOUNT APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ALL FISCAL YEARS MAY NOT EXCEED \$211,913,000.

(II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A CUMULATIVE AMOUNT EQUAL TO AT LEAST \$211,913,000 HAS BEEN

1 **APPROPRIATED TO THE TRANSPORTATION TRUST FUND FOR PRIOR FISCAL**
2 **YEARS UNDER THIS SUBSECTION.**

3 4-321.

4 (a) In this section, "Intercounty Connector" means the east-west multimodal
5 highway in Montgomery and Prince George's counties between Interstate 270 and
6 Interstate 95/U.S. Route 1, as described in the [2005 - 2010] **2007 - 2012**
7 Consolidated Transportation Plan.

8 (b) The State and the Authority [shall finance] **MAY NOT ISSUE ANY DEBT**
9 **OR EXPEND ANY FUNDS FROM ANY SOURCE FOR** the Intercounty Connector [as
10 provided in this section].

11 [(c) The Authority shall:

12 (1) Issue not more than an aggregate principal amount of
13 \$750,000,000 in bonds secured by a pledge of future federal aid; and

14 (2) Issue revenue bonds under this subtitle that are not secured by a
15 pledge of future federal aid.

16 (d) The Governor shall transfer from the Transportation Trust Fund to the
17 Authority for the Intercounty Connector \$22,000,000 in fiscal 2005 and \$38,000,000 in
18 fiscal 2006.

19 (e) The Governor shall transfer to the Authority for the Intercounty
20 Connector:

21 (1) From the Transportation Trust Fund, at least \$30,000,000 each
22 year for fiscal years 2007 through 2010;

23 (2) From the General Fund, an aggregate appropriation by fiscal year
24 2010 equal to \$264,913,000, with a payment of at least \$50,000,000 each year for fiscal
25 years 2007 through 2010; and

26 (3) At least \$10,000,000 federal aid from any source in amounts as
27 deemed prudent.

28 (f) (1) On or before December 1 of each year, in accordance with § 2-1246
29 of the State Government Article, the Authority shall submit a report on the status of
30 the Intercounty Connector to the Senate Budget and Taxation Committee, the House
31 Appropriations Committee, and the House Committee on Ways and Means.

32 (2) The report required under this subsection shall include:

1 (i) An update on the progress of the project and a comparison of
2 the actual progress to the project schedule provided to the committees in January
3 2005;

4 (ii) The revised estimate of the total project cost of the project
5 and a statement of the reasons for any cost savings or cost overruns, relative to the
6 estimate of \$2,447,000,000 provided to the committees in January 2005; and

7 (iii) A description of any changes to the financing plan for the
8 project, including the impact of cost savings or cost overruns, and, consistent with the
9 intent of the General Assembly to limit the overall amount of debt used for financing
10 the Intercounty Connector, the specific identification of sources of funds that may be
11 applied to address any cost overruns.]

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland
13 Transportation Authority shall retire any bonds secured by a pledge of future federal
14 aid, outstanding as of the effective date of this Act, with:

15 (1) unspent bond proceeds;

16 (2) if unspent bond proceeds are insufficient to retire the bonds, any
17 unspent moneys appropriated for the Intercounty Connector; or

18 (3) if unspent bond proceeds and unspent moneys appropriated for the
19 Intercounty Connector are insufficient to retire the bonds, federal fund authorizations
20 from the federal highway program.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2008.