

# HOUSE BILL 59

B1  
HB 23/12 – APP

CONSTITUTIONAL AMENDMENT  
(PRE-FILED)

3lr0735

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By: **Delegate McMillan**

Requested: November 8, 2012

Introduced and read first time: January 9, 2013

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Dedicated State Funds Protection Act**

3 FOR the purpose of proposing an amendment to the Maryland Constitution  
4 prohibiting certain transfers of dedicated State funds to the General Fund  
5 except for certain purposes under certain circumstances; requiring the Governor  
6 to include certain provisions in the budget that provide for the repayment of  
7 certain dedicated State funds under certain circumstances within a certain  
8 period of time; defining a certain term; and submitting this amendment to the  
9 qualified voters of the State for their adoption or rejection.

10 BY proposing an addition to the Maryland Constitution  
11 Article III – Legislative Department  
12 Section 53

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

16 **Article III – Legislative Department**

17 **53.**

18 (A) IN THIS SECTION, “DEDICATED STATE FUNDS” MEANS REVENUES  
19 COLLECTED BY THE STATE THAT ARE DEDICATED BY LAW TO A SPECIFIC  
20 PURPOSE AS THE LAWS OF MARYLAND WERE IN EFFECT ON OR AFTER JULY 1,  
21 2013.

22 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,  
23 DEDICATED STATE FUNDS MAY BE USED ONLY FOR THE SPECIFIC PURPOSES

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THAT ARE SET FORTH IN LAW AS THE LAWS OF MARYLAND WERE IN EFFECT ON  
2 OR AFTER JULY 1, 2013, AND MAY NOT BE TRANSFERRED TO THE GENERAL  
3 FUND.

4 (C) DEDICATED STATE FUNDS MAY BE USED FOR DEFENSE OR RELIEF  
5 PURPOSES IF:

6 (1) THE STATE IS INVADED BY LAND, SEA, OR AIR, OR A MAJOR  
7 CATASTROPHE OCCURS;

8 (2) THE GOVERNOR:

9 (I) PROCLAIMS A STATE OF EMERGENCY;

10 (II) DECLARES THAT USE OF THE FUNDS FOR DEFENSE OR  
11 RELIEF PURPOSES IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE  
12 PUBLIC HEALTH OR SAFETY; AND

13 (III) PROPOSES A PLAN TO REPAY THE DEDICATED STATE  
14 FUNDS WITHIN 5 YEARS AFTER THE USE OF THE FUNDS, FOR ANY AMOUNTS  
15 USED UNDER THE AUTHORITY OF THIS SUBSECTION; AND

16 (3) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED UPON A  
17 YEA AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL MEMBERS ELECTED  
18 TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS THAT  
19 THE USE OF THE FUNDS FOR DEFENSE OR RELIEF PURPOSES IS NECESSARY AND  
20 APPROVES THE REPAYMENT PLAN PROPOSED BY THE GOVERNOR.

21 (D) IF THE GOVERNOR INCLUDES A PROVISION IN THE BUDGET TO  
22 TRANSFER OR DIVERT REVENUES FROM DEDICATED STATE FUNDS TO THE  
23 GENERAL FUND, THE GOVERNOR SHALL ALSO INCLUDE A PROVISION IN THE  
24 BUDGET THAT PROVIDES FOR THE REPAYMENT WITHIN 5 YEARS OF THAT  
25 TRANSFER OR DIVERSION TO THE DEDICATED STATE FUNDS FROM THE  
26 GENERAL FUND.

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
33 proposed as an amendment to the Maryland Constitution shall be submitted to the  
34 qualified voters of the State at the next general election to be held in November 2014

1 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.  
2 At that general election, the vote on this proposed amendment to the Constitution  
3 shall be by ballot, and upon each ballot there shall be printed the words “For the  
4 Constitutional Amendment” and “Against the Constitutional Amendment,” as now  
5 provided by law. Immediately after the election, all returns shall be made to the  
6 Governor of the vote for and against the proposed amendment, as directed by Article  
7 XIV of the Maryland Constitution, and further proceedings had in accordance with  
8 Article XIV.