

SENATE BILL 829

R2, Q5

CONSTITUTIONAL AMENDMENT

3lr2979

By: **Senators Miller, Garagiola, Currie, Kasemeyer, Madaleno, Manno, McFadden, and Raskin**

Introduced and read first time: February 1, 2013

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Trust Fund – Financing – Use of Funds**

3 FOR the purpose of adding a new section to the Maryland Constitution to establish a
4 Transportation Trust Fund to be used only for purposes relating to
5 transportation, except in certain circumstances; prohibiting the reversion or
6 crediting of any part of the Transportation Trust Fund to the General Fund or a
7 special fund of the State; providing that this addition does not prohibit the
8 allocation or use of highway user revenues for counties, municipalities, and
9 Baltimore City as authorized by law; requiring that certain taxes, fees, charges,
10 and revenues be credited to the Transportation Trust Fund; authorizing the
11 transfer of funds from the Transportation Trust Fund if the Governor and the
12 General Assembly take certain actions; submitting this amendment to the
13 qualified voters of the State for their adoption or rejection; and generally
14 relating to the financing and use of funds of the Transportation Trust Fund.

15 BY proposing an addition to the Maryland Constitution
16 Article III – Legislative Department
17 Section 53

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

21 **Article III – Legislative Department**

22 **53.**

23 **(A) THERE IS A TRANSPORTATION TRUST FUND.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE**
2 **FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE USED ONLY:**

3 **(1) FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND**
4 **INTEREST ON TRANSPORTATION BONDS AS THEY BECOME DUE AND PAYABLE;**
5 **AND**

6 **(2) AFTER MEETING DEBT SERVICE REQUIREMENTS FOR**
7 **TRANSPORTATION BONDS, FOR ANY LAWFUL PURPOSE RELATED TO THE**
8 **CONSTRUCTION AND MAINTENANCE OF AN ADEQUATE HIGHWAY SYSTEM IN THE**
9 **STATE OR ANY OTHER PURPOSE RELATED TO TRANSPORTATION.**

10 **(C) NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR**
11 **BE CREDITED TO THE GENERAL FUND OR A SPECIAL FUND OF THE STATE.**

12 **(D) THIS SECTION DOES NOT PROHIBIT THE ALLOCATION OR USE OF**
13 **HIGHWAY USER REVENUES FOR THE COUNTIES, MUNICIPALITIES, OR**
14 **BALTIMORE CITY THAT IS AUTHORIZED UNDER TITLE 8, SUBTITLE 4 OF THE**
15 **TRANSPORTATION ARTICLE.**

16 **(E) THERE SHALL BE CREDITED TO THE TRANSPORTATION TRUST**
17 **FUND THE FOLLOWING TAXES, FEES, CHARGES, AND REVENUES:**

18 **(1) THE CASH PROCEEDS OF THE SALE OF CONSOLIDATED**
19 **TRANSPORTATION BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION**
20 **ISSUED FOR TRANSPORTATION PURPOSES;**

21 **(2) ALL FEDERAL FUNDS PROVIDED TO THE STATE FOR**
22 **TRANSPORTATION PURPOSES;**

23 **(3) NOT LESS THAN THE PORTION OF MOTOR FUEL TAX REVENUE**
24 **DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE 2,**
25 **SUBTITLE 11 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY 1,**
26 **2012;**

27 **(4) NOT LESS THAN THE PORTION OF MOTOR CARRIER TAX**
28 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE**
29 **2, SUBTITLE 10 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY**
30 **1, 2012;**

31 **(5) NOT LESS THAN THE PORTION OF VEHICLE EXCISE TAX**
32 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §**

1 13-814 OF THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON JULY 1,
2 2012;

3 (6) NOT LESS THAN THE PORTION OF CORPORATE INCOME TAX
4 REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §
5 2-614 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY 1, 2012;

6 (7) NOT LESS THAN THE PORTION OF SALES AND USE TAX
7 REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE
8 2, SUBTITLE 13 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY
9 1, 2012;

10 (8) VEHICLE REGISTRATION FEES COLLECTED UNDER TITLE 13,
11 SUBTITLE 9, PART II OF THE TRANSPORTATION ARTICLE;

12 (9) NOT LESS THAN THE PORTION OF REVENUE FROM ALL OTHER
13 FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION AND
14 DISTRIBUTED IN WHOLE OR IN PART TO THE TRANSPORTATION TRUST FUND
15 UNDER THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON JULY 1, 2012;

16 (10) OPERATING REVENUES FROM FARES, FEES, RATES, RENTALS,
17 AND OTHER CHARGES IMPOSED BY THE MARYLAND TRANSIT ADMINISTRATION,
18 THE MARYLAND AVIATION ADMINISTRATION, AND THE MARYLAND PORT
19 ADMINISTRATION FOR THE USE OF THEIR SERVICES OR FACILITIES; AND

20 (11) ALL OTHER FUNDS DISTRIBUTED TO THE TRANSPORTATION
21 TRUST FUND UNDER A LAW IN EFFECT ON JULY 1, 2012.

22 (F) FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE
23 TRANSFERRED FOR ANOTHER PURPOSE IF:

24 (1) THE GOVERNOR, BY EXECUTIVE ORDER, DECLARES A FISCAL
25 EMERGENCY EXISTS; AND

26 (2) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED UPON A
27 YEA AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS
28 ELECTED TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY,
29 CONCURS WITH THE USE OF THE FUNDS.

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
2 proposed as an amendment to the Maryland Constitution shall be submitted to the
3 qualified voters of the State at the next general election to be held in November 2014
4 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
5 At that general election, the vote on this proposed amendment to the Constitution
6 shall be by ballot, and upon each ballot there shall be printed the words "For the
7 Constitutional Amendment" and "Against the Constitutional Amendment," as now
8 provided by law. Immediately after the election, all returns shall be made to the
9 Governor of the vote for and against the proposed amendment, as directed by Article
10 XIV of the Maryland Constitution, and further proceedings had in accordance with
11 Article XIV.