

HOUSE BILL 711

Q6, M1, B1

CONSTITUTIONAL AMENDMENT

4lr0726

By: **Delegates Kach and Olszewski**

Introduced and read first time: January 31, 2014

Assigned to: Appropriations

A BILL ENTITLED

AN ACT concerning

Transfer Tax Revenues – Special Fund Transfers – Two-Thirds Vote

FOR the purpose of proposing an amendment to the Maryland Constitution to establish a certain special fund maintained by the Comptroller; prohibiting the transfer of funds from the special fund to the General Fund during certain fiscal years unless the funds are replaced through the State Consolidated Capital Bond Funding Program in certain fiscal years; prohibiting the transfer of funds from the special fund to the General Fund beginning in a certain fiscal year unless the transfer is approved by a certain number of all the members elected to each of the two Houses of the General Assembly; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an addition to the Maryland Constitution

Article III – Legislative Department

Section 53A

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

Article III – Legislative Department

53A.

(A) THERE IS A SPECIAL FUND MAINTAINED BY THE COMPTROLLER IN ACCORDANCE WITH § 13-209 OF THE TAX – PROPERTY ARTICLE.

(B) FOR FISCAL YEARS 2016 THROUGH 2018, NO PART OF THE SPECIAL FUND MAINTAINED BY THE COMPTROLLER UNDER § 13-209 OF THE TAX – PROPERTY ARTICLE MAY BE TRANSFERRED OR DIVERTED TO THE

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



GENERAL FUND OF THE STATE UNLESS THE FUNDING TRANSFERRED IS REPLACED, ON A DOLLAR-FOR-DOLLAR BASIS, THROUGH THE STATE CONSOLIDATED CAPITAL BOND FUNDING PROGRAM IN THE SAME FISCAL YEAR IN WHICH THE SPECIAL FUND TRANSFER TAKES PLACE.

(C) BEGINNING IN FISCAL YEAR 2019, NO PART OF THE SPECIAL FUND MAINTAINED BY THE COMPTROLLER UNDER § 13-209 OF THE TAX – PROPERTY ARTICLE MAY BE TRANSFERRED OR DIVERTED TO THE GENERAL FUND OF THE STATE UNLESS LEGISLATION IS PASSED ON A YEA AND NAY VOTE SUPPORTED BY TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY.

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

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