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McClenahan, McKee, O'Donnell, Owings, Parrott, Riley, Rudolph,
Schisler, Shank, Snodgrass, Stocksdale, Stull, Walkup, and Wood**

Introduced and read first time: February 11, 2000
Assigned to: Ways and Means and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration - Highway Construction Projects - Minimum**
3 **Funding Level**

4 FOR the purpose of requiring that during certain fiscal years the total level of funds
5 appropriated to the State Highway Administration from the Transportation
6 Trust Fund for construction, reconstruction, and rehabilitation of the State
7 highway system shall be an amount equal to at least a certain percentage of the
8 total revenue from certain sources; and generally relating to establishing a
9 minimum level of funds to be appropriated from the Transportation Trust Fund
10 to the State Highway Administration for highway construction projects.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 3-216(d)
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1999 Supplement)

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

18 **Article - Transportation**

19 3-216.

20 (d) (1) After meeting its debt service requirements, the Department may use
21 the funds in the Transportation Trust Fund for any lawful purpose related to the
22 exercise of its rights, powers, duties, and obligations.

23 (2) Expenditures under this subsection shall be made in accordance with
24 any appropriation provided for in any applicable budget bill or supplementary
25 appropriation bill. However, an appropriation proposed to be made to any unit in the

1 Department or proposed to be made for any designated transportation activity,
2 function, or undertaking that has been reduced by the General Assembly may not be
3 restored, for the same purpose as originally proposed, except in an emergency, by the
4 budget amendment procedure of § 7-209 of the State Finance and Procurement
5 Article, or otherwise if the General Assembly in striking or reducing the
6 appropriation, prohibited its restoration. However, except for emergency capital
7 projects, if the General Assembly explicitly reduces in the budget bill an
8 appropriation proposed for a major capital project as defined in § 2-103.1(a)(4) of this
9 article, the appropriation may not be restored for the same purpose as originally
10 proposed by the budget amendment procedure of § 7-209 of the State Finance and
11 Procurement Article or otherwise unless the General Assembly, in striking or
12 reducing the appropriation, expressly authorized its restoration.

13 (3) (i) During the period of fiscal years 1988 through 1992 as included
14 in the annual State report on transportation, the Department shall utilize all of its
15 share of the revenues attributable to the 5 cent increase of the motor fuel tax under
16 the provisions of Chapter 291 of the Acts of 1987 and credited to the Transportation
17 Trust Fund under § 2-1104 of the Tax - General Article and the proceeds of any
18 increased indebtedness based on that revenue and credited to the Transportation
19 Trust Fund to fund Department projects for the construction, reconstruction, and
20 rehabilitation of the State highway system.

21 (ii) During the period of fiscal year 1988 through fiscal year 1992
22 the total level of State funds appropriated to the State Highway Administration for
23 construction, reconstruction and rehabilitation of the State highway system,
24 including the revenues referred to in subparagraph (i) above, shall be at least 70
25 percent of the total appropriation of State funds in the consolidated transportation
26 capital program.

27 (III) DURING THE PERIOD OF FISCAL YEAR 2001 THROUGH FISCAL
28 YEAR 2007 THE TOTAL LEVEL OF FUNDS APPROPRIATED TO THE STATE HIGHWAY
29 ADMINISTRATION FROM THE TRANSPORTATION TRUST FUND FOR CONSTRUCTION,
30 RECONSTRUCTION, AND REHABILITATION OF THE STATE HIGHWAY SYSTEM SHALL
31 BE AN AMOUNT EQUAL TO AT LEAST 70 PERCENT OF THE TOTAL REVENUE FROM
32 MOTOR FUEL TAXES, VEHICLE TITLING TAXES, VEHICLE REGISTRATION FEES, AND
33 FEDERAL AID.

34 [(iii)] (IV) The Secretary of the Department shall submit, subject to §
35 2-1246 of the State Government Article, to the Legislative Policy Committee and the
36 Department of Legislative Services a report:

37 1. Prior to the beginning of each session through the 1991
38 session, detailing the intended use of the new revenues; and

39 2. Prior to the beginning of each session beginning with the
40 1989 session and through the 1993 session, detailing the actual use of the new
41 revenues in the prior fiscal year.

1 (4) Of the new revenues derived under the provisions of Chapter 291 of
2 the Acts of 1987 and credited to the Department, \$31,000,000 shall be transferred to
3 the Maryland Emergency Medical Service System Fund at such time as determined
4 by the Secretary of Budget and Management.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2000.