

SENATE BILL 436

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R2

2000 Regular Session  
0lr1752  
CF 0lr2263

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By: **Senators Frosh, Sfikas, Astle, Dorman, Currie, Dyson, Teitelbaum, Van Hollen, Green, and Pinsky**

Introduced and read first time: February 4, 2000

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Trust Fund - Bicycle Ways and Sidewalks**

3 FOR the purpose of requiring that a certain percentage of the funds in the  
4 Transportation Trust Fund be dedicated in each fiscal year for the construction  
5 and maintenance of bicycle ways and sidewalks; and generally relating to the  
6 Transportation Trust Fund and bicycle ways and sidewalks.

7 BY repealing and reenacting, with amendments,  
8 Article - Transportation  
9 Section 3-216(d)  
10 Annotated Code of Maryland  
11 (1993 Replacement Volume and 1999 Supplement)

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

14 **Article - Transportation**

15 3-216.

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

19 (2) Expenditures under this subsection shall be made in accordance with  
20 any appropriation provided for in any applicable budget bill or supplementary  
21 appropriation bill. However, an appropriation proposed to be made to any unit in the  
22 Department or proposed to be made for any designated transportation activity,  
23 function, or undertaking that has been reduced by the General Assembly may not be  
24 restored, for the same purpose as originally proposed, except in an emergency, by the  
25 budget amendment procedure of § 7-209 of the State Finance and Procurement  
26 Article, or otherwise if the General Assembly in striking or reducing the  
27 appropriation, prohibited its restoration. However, except for emergency capital  
28 projects, if the General Assembly explicitly reduces in the budget bill an

1 appropriation proposed for a major capital project as defined in § 2-103.1(a)(4) of this  
2 article, the appropriation may not be restored for the same purpose as originally  
3 proposed by the budget amendment procedure of § 7-209 of the State Finance and  
4 Procurement Article or otherwise unless the General Assembly, in striking or  
5 reducing the appropriation, expressly authorized its restoration.

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

14 (ii) During the period of fiscal year 1988 through fiscal year 1992  
15 the total level of State funds appropriated to the State Highway Administration for  
16 construction, reconstruction and rehabilitation of the State highway system,  
17 including the revenues referred to in subparagraph (i) above, shall be at least 70  
18 percent of the total appropriation of State funds in the consolidated transportation  
19 capital program.

20 (iii) The Secretary of the Department shall submit, subject to §  
21 2-1246 of the State Government Article, to the Legislative Policy Committee and the  
22 Department of Legislative Services a report:

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

25 2. Prior to the beginning of each session beginning with the  
26 1989 session and through the 1993 session, detailing the actual use of the new  
27 revenues in the prior fiscal year.

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

32 (5) FOR EACH FISCAL YEAR, AFTER MEETING ITS DEBT SERVICE  
33 REQUIREMENTS, THE DEPARTMENT SHALL USE NOT LESS THAN 3% OF THE FUNDS  
34 IN THE TRANSPORTATION TRUST FUND TO CONSTRUCT AND MAINTAIN BICYCLE  
35 WAYS AS DEFINED IN § 21-101(L) OF THIS ARTICLE AND SIDEWALKS AS DEFINED IN §  
36 21-101(T) OF THIS ARTICLE.

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