

HOUSE BILL 1157
CONSTITUTIONAL AMENDMENT

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Q5

2003 Regular Session
3lr2631
CF 3lr2656

By: **Delegates Leopold, Franchot, James, Edwards, Boschert, Costa, McConkey, Weldon, Myers, Krebs, Elmore, Bartlett, Barve, Bronrott, Cane, G. Clagett, DeBoy, Donoghue, Dumais, Feldman, Goldwater, Griffith, Gutierrez, Hogan, Hubbard, Jameson, King, Madaleno, Minnick, Mitchell, Moe, Murray, Patterson, Petzold, Simmons, Sophocleus, Stull, Taylor, V. Turner, Vaughn, Weir, and Wood**

Introduced and read first time: March 3, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment - Transportation Trust Fund**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 establish a Transportation Trust Fund to be used only for certain purposes;
5 providing for the crediting of certain revenues to the Transportation Trust Fund;
6 submitting this amendment to the qualified voters of the State of Maryland for
7 their adoption or rejection; and generally relating to a proposed amendment to
8 the Maryland Constitution to establish a Transportation Trust Fund to be used
9 only for certain purposes.

10 BY proposing an addition to the Constitution of Maryland
11 Article III - Legislative Department
12 Section 52A

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 Constitution of Maryland read as follows:

16 **Article III - Legislative Department**

17 52A.

18 (1) THERE IS A TRANSPORTATION TRUST FUND.

19 (2) THE FUNDS IN THE TRANSPORTATION TRUST FUND MAY ONLY BE USED:

20 (I) FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON
21 TRANSPORTATION BONDS AS THEY BECOME DUE AND PAYABLE; AND

22 (II) AFTER MEETING DEBT SERVICE REQUIREMENTS FOR
23 TRANSPORTATION BONDS, FOR ANY LAWFUL PURPOSE RELATED TO THE

1 CONSTRUCTION AND MAINTENANCE OF AN ADEQUATE HIGHWAY SYSTEM IN THE
2 STATE OR ANY OTHER TRANSPORTATION-RELATED PURPOSE.

3 (3) (I) NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR BE
4 CREDITED TO THE GENERAL FUNDS OF THIS STATE.

5 (II) NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR BE
6 CREDITED TO A SPECIAL FUND OF THE STATE, UNLESS OTHERWISE PROVIDED BY
7 LAW THAT WAS IN EFFECT ON OR BEFORE OCTOBER 1, 2003.

8 (4) THERE SHALL BE CREDITED TO THE TRANSPORTATION TRUST FUND ALL
9 TAXES, FEES, CHARGES, AND REVENUES COLLECTED OR RECEIVED BY OR PAID,
10 APPROPRIATED, OR CREDITED TO THE TRANSPORTATION TRUST FUND, INCLUDING:

11 (I) THE CASH PROCEEDS OF THE SALE OF CONSOLIDATED
12 TRANSPORTATION BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION ISSUED
13 FOR TRANSPORTATION PURPOSES;

14 (II) ANY GENERAL FUND APPROPRIATIONS;

15 (III) THE PROCEEDS OF ANY STATE LOAN OR FEDERAL GRANT MADE FOR
16 TRANSPORTATION PURPOSES;

17 (IV) ALL OF THE MOTOR FUEL TAX REVENUE;

18 (V) THE CORPORATE INCOME TAX REVENUE DISTRIBUTED TO THE
19 TRANSPORTATION TRUST FUND UNDER § 2-614 OF THE TAX - GENERAL ARTICLE AS IT
20 WAS IN EFFECT AS OF OCTOBER 1, 2003;

21 (VI) ALL OF THE MOTOR VEHICLE EXCISE TAX REVENUE;

22 (VII) THE SALES AND USE TAX REVENUES FROM SHORT-TERM RENTAL
23 VEHICLES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 2-1302.1 OF
24 THE TAX - GENERAL ARTICLE AS IT WAS IN EFFECT AS OF OCTOBER 1, 2003; AND

25 (VIII) ALL VEHICLE REGISTRATION FEES.

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

30 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
31 proposed as an amendment to the Constitution of Maryland shall be submitted to the
32 legal and qualified voters of this State at the next general election to be held in
33 November, 2004 for their adoption or rejection in pursuance of directions contained in
34 Article XIV of the Constitution of this State. At that general election, the vote on this
35 proposed amendment to the Constitution shall be by ballot, and upon each ballot
36 there shall be printed the words "For the Constitutional Amendment" and "Against
37 the Constitutional Amendment," as now provided by law. Immediately after the

1 election, all returns shall be made to the Governor of the vote for and against the
2 proposed amendment, as directed by Article XIV of the Constitution, and further
3 proceedings had in accordance with Article XIV.