

BY: Senator Mooney

AMENDMENTS TO SENATE BILL NO. 282

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Mass” insert “Transportation Financing -”; in the same line, strike “Services - Cost Recovery - Performance Standards” and substitute “Cost Recovery and Mandated Appropriations for Highways”; in line 10, after the semicolon insert “requiring, in each fiscal year, special funds appropriated in the budget bill for the operating and capital program of the State Highway Administration, including the distribution of highway user revenues, to equal not less than a certain amount of the total special fund operating and capital budget for the Department of Transportation; establishing that funds appropriated for the operating and capital program of the State Highway Administration may be used for certain costs;”; and strike in its entirety line 12 and substitute “financing of mass transit services and highways.”.

On page 2, in line 4, strike “7-208” and substitute “3-216, 7-208.”.

AMENDMENT NO. 2

On page 2, after line 35, insert:

“3-216.

(a) There is a Transportation Trust Fund for the Department.

(b) Except as otherwise expressly provided by statute, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.

(Over)

(c) (1) There shall be maintained in the Transportation Trust Fund one or more sinking fund accounts to which shall be credited and from which shall be paid, from the proceeds of the taxes levied and imposed for that purpose or from any other funds of the Department, amounts sufficient at all times to meet the debt service on all bonds of prior issues and consolidated transportation bonds from time to time outstanding and unpaid.

(2) (i) The Gasoline and Motor Vehicle Revenue Account, Driver Education Account, and the Motorcycle Safety Program Account shall be maintained in the Transportation Trust Fund.

(ii) In each fiscal year, the Department shall budget from federal funds available to the Department, other funds in the Transportation Trust Fund, and any other funds available to the Department, an amount sufficient to fund projects and programs determined by the Secretary to be necessary to achieve the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

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

(2) Expenditures under this subsection shall be made in accordance with any appropriation provided for in any applicable budget bill or supplementary appropriation bill. However, an appropriation proposed to be made to any unit in the Department or proposed to be made for any designated transportation activity, function, or undertaking that has been reduced by the General Assembly may not be restored, for the same purpose as originally proposed, except in an emergency, by the budget amendment procedure of § 7-209 of the State Finance and Procurement Article, or otherwise if the General Assembly in striking or reducing the appropriation, prohibited its restoration. However, except for emergency capital projects, if the General Assembly explicitly reduces in the budget bill an appropriation proposed for a major capital project as defined in § 2-103.1(a)(4) of this article, the appropriation may not be restored for the same purpose as originally proposed by the budget amendment procedure of § 7-209 of the State Finance and Procurement Article or otherwise unless the General Assembly, in striking or reducing the appropriation, expressly authorized its restoration.

(3) (i) During the period of fiscal years 1988 through 1992 as included in the annual State Report on Transportation, the Department shall utilize all of its share of the revenues attributable to the 5 cent increase of the motor fuel tax under the provisions of Chapter 291 of the

Acts of 1987 and credited to the Transportation Trust Fund under § 2-1104 of the Tax - General Article and the proceeds of any increased indebtedness based on that revenue and credited to the Transportation Trust Fund to fund Department projects for the construction, reconstruction, and rehabilitation of the State highway system.

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

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

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

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

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

(5) For each fiscal year, the Department shall use the funds in the Transportation Trust Fund for the purposes specified in subsection (c)(2)(ii) of this section, which may include construction and maintenance of:

(i) Public bicycle areas as defined in § 21-101(k) of this article;

(ii) Bicycle ways as defined in § 21-101(l) of this article; and

(iii) Sidewalks as defined in § 21-101(t) of this article.

(6) Each year, before the General Assembly considers the proposed Maryland Transportation Plan and the Consolidated Transportation Program, the Department shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

(i) The expenditures made toward the attainment of the bicycle and pedestrian transportation goals during the preceding fiscal year under Title 2, Subtitle 6 of this article; and

(ii) The progress made toward attainment of the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

(7) (I) IN EACH FISCAL YEAR, SPECIAL FUNDS APPROPRIATED IN THE BUDGET BILL FOR THE OPERATING AND CAPITAL PROGRAM OF THE STATE HIGHWAY ADMINISTRATION, INCLUDING THE DISTRIBUTION OF HIGHWAY USER REVENUES, SHALL EQUAL NOT LESS THAN 50% OF THE TOTAL SPECIAL FUND OPERATING AND CAPITAL BUDGET FOR THE DEPARTMENT.

(II) FUNDS APPROPRIATED UNDER THIS PARAGRAPH MAY BE USED FOR ALL COSTS ASSOCIATED WITH THE PURCHASE OF RIGHT-OF-WAY, PLANNING, CONSTRUCTION, RECONSTRUCTION, RELOCATION, OR MAINTENANCE OF HIGHWAYS IN THE STATE.

(e) (1) Except as otherwise provided in this subsection, this section is effective notwithstanding any other provision of law.

(2) Nothing in this section may adversely affect in any way the security of any of the following bonds while they are outstanding and unpaid:

(i) State highway construction bonds, second issue;

(ii) State highway construction bonds, third issue;

(iii) County highway construction bonds; or

(iv) County highway construction bonds, second issue.

(3) It is the intent of the General Assembly that, as long as any of the bonds listed in paragraph (2) of this subsection are outstanding and unpaid:

(i) The sinking fund requirements established for the payment of the principal of and interest on those bonds shall remain unchanged, as if this section had not been enacted; and

(ii) The taxes and revenues pledged to the payment of the principal of and interest on those bonds as they become due and payable may not be repealed, diminished, or applied to any other purpose until:

1. The bonds and the interest on them have become due and fully paid; or

2. Adequate and complete provision for payment of the principal and interest has been made.

(f) (1) No part of the Transportation Trust Fund may revert or be credited to the general funds of this State. No part of the Transportation Trust Fund may revert or be credited to a special fund of the State, unless otherwise provided by law. No part of the Transportation Trust Fund may revert or be credited to a special fund of the State pursuant to the provisions of § 7-209(e)(2) of the State Finance and Procurement Article, unless the transfer is approved by the Legislative Policy Committee. Failure of the Legislative Policy Committee to reject the transfer within 15 days after presentation before the Legislative Policy Committee shall be deemed to be approval.

(2) Notwithstanding any other provision of law, for fiscal year 1984 only, \$29,000,000 of the funds in the Transportation Trust Fund which are not required by law to be distributed to the counties or Baltimore City and which have not been pledged or otherwise committed to the payment of or as security for the payment of any bonds or debt issued or incurred

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pursuant to this article shall be transferred and credited to the general funds of the State on or before June 30, 1984 and shall be available for appropriation from the general funds in fiscal year 1984.”.