

HOUSE BILL 37

R1

EMERGENCY BILL

8lr4538

By: **Delegates Frush, Barnes, Beidle, Bromwell, V. Clagett, Hubbard, Ivey, Kaiser, Lafferty, Niemann, Olszewski, Pena-Melnyk, Ramirez, Ross, Schuler, and Vaughn**

Introduced and read first time: October 29, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Intercounty Connector – Elimination of Funding**

3 FOR the purpose of requiring the Governor to include a certain appropriation to the
4 Transportation Trust Fund under certain circumstances; limiting the
5 cumulative amount of certain appropriations to the Transportation Trust Fund;
6 providing that a certain appropriation to the Revenue Stabilization Account
7 under a certain provision of law is not required except under certain
8 circumstances; altering the amount of a certain appropriation under certain
9 circumstances; prohibiting the Maryland Department of Transportation and the
10 Maryland Transportation Authority from financing the Intercounty Connector
11 or expending any funds for the Intercounty Connector; repealing certain
12 provisions of law concerning the financing of the Intercounty Connector;
13 requiring the Maryland Transportation Authority to retire certain bonds
14 secured by a pledge of future federal aid in a certain manner; making this Act
15 an emergency measure; and generally relating to the financing of the
16 Intercounty Connector.

17 BY adding to

18 Article – Transportation
19 Section 3–216(g)
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2007 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Transportation
24 Section 4–321
25 Annotated Code of Maryland
26 (2001 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 3–216.

5 (G) (1) NOTWITHSTANDING § 7–311(J) OF THE STATE FINANCE AND
6 PROCUREMENT ARTICLE, FOR FISCAL YEAR 2010 AND FOR EACH SUBSEQUENT
7 FISCAL YEAR, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE
8 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS \$10,000,000, EXCEPT AS
9 PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL
10 INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE TRANSPORTATION
11 TRUST FUND IN AN AMOUNT EQUAL TO THE LESSER OF \$50,000,000 OR THE
12 EXCESS SURPLUS OVER \$10,000,000.

13 (2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

14 (I) UNLESS THE UNAPPROPRIATED GENERAL FUND
15 SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS
16 THE SUM OF \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED
17 TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS
18 SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT
19 UNDER § 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE IS
20 NOT REQUIRED; AND

21 (II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS
22 OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF
23 \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE
24 TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION,
25 THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER §
26 7–311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL
27 THE AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE SUM OF \$10,000,000 AND
28 THE AMOUNT APPROPRIATED TO THE TRANSPORTATION TRUST FUND UNDER
29 PARAGRAPH (1) OF THIS SUBSECTION.

30 (3) (I) THE CUMULATIVE AMOUNT APPROPRIATED TO THE
31 TRANSPORTATION TRUST FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION
32 FOR ALL FISCAL YEARS MAY NOT EXCEED \$211,913,000.

33 (II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL
34 YEAR IF A CUMULATIVE AMOUNT EQUAL TO AT LEAST \$211,913,000 HAS BEEN
35 APPROPRIATED TO THE TRANSPORTATION TRUST FUND FOR PRIOR FISCAL
36 YEARS UNDER THIS SUBSECTION.

1 4-321.

2 (a) In this section, "Intercounty Connector" means the east-west multimodal
3 highway in Montgomery and Prince George's counties between Interstate 270 and
4 Interstate 95/U.S. Route 1, as described in the [2005 - 2010] **2007 - 2012**
5 Consolidated Transportation Plan.

6 (b) The State and the Authority [shall] **MAY NOT [finance] ISSUE ANY DEBT**
7 **OR EXPEND ANY FUNDS FROM ANY SOURCE FOR** the Intercounty Connector [as
8 provided in this section].

9 [(c) The Authority shall:

10 (1) Issue not more than an aggregate principal amount of
11 \$750,000,000 in bonds secured by a pledge of future federal aid; and

12 (2) Issue revenue bonds under this subtitle that are not secured by a
13 pledge of future federal aid.

14 (d) The Governor shall transfer from the Transportation Trust Fund to the
15 Authority for the Intercounty Connector \$22,000,000 in fiscal 2005 and \$38,000,000 in
16 fiscal 2006.

17 (e) The Governor shall transfer to the Authority for the Intercounty
18 Connector:

19 (1) From the Transportation Trust Fund, at least \$30,000,000 each
20 year for fiscal years 2007 through 2010;

21 (2) From the General Fund, an aggregate appropriation by fiscal year
22 2010 equal to \$264,913,000, with a payment of at least \$50,000,000 each year for fiscal
23 years 2007 through 2010; and

24 (3) At least \$10,000,000 federal aid from any source in amounts as
25 deemed prudent.

26 (f) (1) On or before December 1 of each year, in accordance with § 2-1246
27 of the State Government Article, the Authority shall submit a report on the status of
28 the Intercounty Connector to the Senate Budget and Taxation Committee, the House
29 Appropriations Committee, and the House Committee on Ways and Means.

30 (2) The report required under this subsection shall include:

31 (i) An update on the progress of the project and a comparison of
32 the actual progress to the project schedule provided to the committees in January
33 2005;

1 (ii) The revised estimate of the total project cost of the project
2 and a statement of the reasons for any cost savings or cost overruns, relative to the
3 estimate of \$2,447,000,000 provided to the committees in January 2005; and

4 (iii) A description of any changes to the financing plan for the
5 project, including the impact of cost savings or cost overruns, and, consistent with the
6 intent of the General Assembly to limit the overall amount of debt used for financing
7 the Intercounty Connector, the specific identification of sources of funds that may be
8 applied to address any cost overruns.]

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland
10 Transportation Authority shall retire any bonds secured by a pledge of future federal
11 aid, outstanding as of the effective date of this Act, with:

12 (1) unspent bond proceeds;

13 (2) if unspent bond proceeds are insufficient to retire the bonds, any
14 unspent moneys appropriated for the Intercounty Connector; or

15 (3) if unspent bond proceeds and unspent moneys appropriated for the
16 Intercounty Connector are insufficient to retire the bonds, federal fund authorizations
17 from the federal highway program.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health or safety,
20 has been passed by a ye and nay vote supported by three-fifths of all the members
21 elected to each of the two Houses of the General Assembly, and shall take effect from
22 the date it is enacted.