

SENATE BILL 403

Q5, R2
SB 677/11 – B&T

CONSTITUTIONAL AMENDMENT

2lr1542

By: **Senators Brinkley, Colburn, Edwards, Glassman, Jacobs, Jennings, Shank, and Simonaire**

Introduced and read first time: February 1, 2012

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Trust Fund – Dedicated Highway Funds**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 establish a Transportation Trust Fund to be used only for purposes relating to
5 transportation; prohibiting the reversion or crediting of any part of the
6 Transportation Trust Fund to the General Fund or a special fund of the State;
7 requiring that certain taxes, fees, charges, and revenues be credited to the
8 Transportation Trust Fund; requiring that certain tax and fee revenue credited
9 to the Transportation Trust Fund be used only for certain highway purposes;
10 and submitting this amendment to the qualified voters of the State for their
11 adoption or rejection.

12 BY proposing an addition to the Maryland Constitution
13 Article III – Legislative Department
14 Section 53

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
17 concurring), That it be proposed that the Maryland Constitution read as follows:

18 **Article III – Legislative Department**

19 **53.**

20 **(A) THERE IS A TRANSPORTATION TRUST FUND.**

21 **(B) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE FUNDS IN THE**
22 **TRANSPORTATION TRUST FUND MAY BE USED ONLY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND**
2 **INTEREST ON TRANSPORTATION BONDS AS THEY BECOME DUE AND PAYABLE;**
3 **AND**

4 **(2) AFTER MEETING DEBT SERVICE REQUIREMENTS FOR**
5 **TRANSPORTATION BONDS, FOR ANY LAWFUL PURPOSE RELATED TO**
6 **TRANSPORTATION.**

7 **(C) NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR**
8 **BE CREDITED TO THE GENERAL FUND OR A SPECIAL FUND OF THE STATE.**

9 **(D) THERE SHALL BE CREDITED TO THE TRANSPORTATION TRUST**
10 **FUND THE FOLLOWING TAXES, FEES, CHARGES, AND REVENUES:**

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

14 **(2) ALL FEDERAL FUNDS PROVIDED TO THE STATE FOR**
15 **TRANSPORTATION PURPOSES;**

16 **(3) NOT LESS THAN THE PORTION OF MOTOR FUEL TAX REVENUE**
17 **DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE 2,**
18 **SUBTITLE 11 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON**
19 **OCTOBER 1, 2011;**

20 **(4) NOT LESS THAN THE PORTION OF MOTOR CARRIER TAX**
21 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE**
22 **2, SUBTITLE 10 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON**
23 **OCTOBER 1, 2011;**

24 **(5) NOT LESS THAN THE PORTION OF VEHICLE EXCISE TAX**
25 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §**
26 **13-814 OF THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON OCTOBER**
27 **1, 2011;**

28 **(6) NOT LESS THAN THE PORTION OF CORPORATE INCOME TAX**
29 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §**
30 **2-614 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1,**
31 **2011;**

32 **(7) NOT LESS THAN THE PORTION OF SALES AND USE TAX**
33 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE**

1 **2, SUBTITLE 13 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON**
2 **OCTOBER 1, 2011;**

3 **(8) VEHICLE REGISTRATION FEES COLLECTED UNDER TITLE 13,**
4 **SUBTITLE 9, PART II OF THE TRANSPORTATION ARTICLE;**

5 **(9) NOT LESS THAN THE PORTION OF REVENUE FROM ALL OTHER**
6 **FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION AND**
7 **DISTRIBUTED IN WHOLE OR IN PART TO THE TRANSPORTATION TRUST FUND**
8 **UNDER THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1,**
9 **2011;**

10 **(10) OPERATING REVENUES FROM FARES, FEES, RATES, RENTALS,**
11 **AND OTHER CHARGES IMPOSED BY THE MARYLAND TRANSIT ADMINISTRATION,**
12 **MARYLAND AVIATION ADMINISTRATION, AND MARYLAND PORT**
13 **ADMINISTRATION FOR THE USE OF THEIR SERVICES OR FACILITIES; AND**

14 **(11) ALL OTHER FUNDS DISTRIBUTED TO THE TRANSPORTATION**
15 **TRUST FUND UNDER A LAW IN EFFECT ON OCTOBER 1, 2011.**

16 **(E) THE TAX AND FEE REVENUE CREDITED TO THE TRANSPORTATION**
17 **TRUST FUND UNDER SUBSECTION (D)(3), (4), (5), AND (8) OF THIS SECTION**
18 **SHALL BE USED ONLY FOR HIGHWAY PURPOSES, INCLUDING:**

19 **(1) CONSTRUCTION, RECONSTRUCTION, AND REHABILITATION**
20 **OF PUBLIC HIGHWAYS, ROADS, STREETS, AND BRIDGES;**

21 **(2) ACQUIRING RIGHTS-OF-WAY;**

22 **(3) INSTALLING, MAINTAINING, AND OPERATING TRAFFIC SIGNS**
23 **AND SIGNAL LIGHTS;**

24 **(4) POLICING PUBLIC HIGHWAYS, ROADS, STREETS, AND**
25 **BRIDGES;**

26 **(5) OPERATING PUBLIC BRIDGES; AND**

27 **(6) OPERATING A FERRY AS PART OF A PUBLIC HIGHWAY, ROAD,**
28 **OR STREET.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
30 determines that the amendment to the Maryland Constitution proposed by this Act
31 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the

1 Maryland Constitution concerning local approval of constitutional amendments do not
2 apply.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
4 proposed as an amendment to the Maryland Constitution shall be submitted to the
5 qualified voters of the State at the next general election to be held in November, 2012
6 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
7 At that general election, the vote on this proposed amendment to the Constitution
8 shall be by ballot, and upon each ballot there shall be printed the words "For the
9 Constitutional Amendment" and "Against the Constitutional Amendment," as now
10 provided by law. Immediately after the election, all returns shall be made to the
11 Governor of the vote for and against the proposed amendment, as directed by Article
12 XIV of the Maryland Constitution, and further proceedings had in accordance with
13 Article XIV.