

# HOUSE BILL 771

R2, B5

3lr1092

---

By: **Delegate Bates**

Introduced and read first time: February 6, 2013

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Mass Transit Trust Fund**

3 FOR the purpose of establishing a Mass Transit Trust Fund in the Maryland  
4 Department of Transportation; requiring that the Mass Transit Trust Fund be  
5 used for certain purposes; requiring the Department to identify and establish a  
6 funding source to support the capital and operating expenses for mass transit in  
7 the State; prohibiting the Department from using any funds deposited into the  
8 Transportation Trust Fund to support the capital and operating costs for mass  
9 transit in the State; providing that any funds in the Mass Transit Trust Fund  
10 may not revert to or be credited to the general funds of the State or, under  
11 certain circumstances, to certain special funds; and generally relating to  
12 funding for mass transit in the State.

13 BY adding to

14 Article – Transportation

15 Section 3–401 to be under the new subtitle “Subtitle 4. Mass Transit Trust  
16 Fund”

17 Annotated Code of Maryland

18 (2008 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That:

21 **Article – Transportation**

22 **SUBTITLE 4. MASS TRANSIT TRUST FUND.**

23 **3–401.**

24 **(A) THERE IS A MASS TRANSIT TRUST FUND FOR THE DEPARTMENT.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) THE MASS TRANSIT TRUST FUND SHALL BE USED TO SUPPORT**  
2 **MASS TRANSIT IN THE STATE.**

3           **(C) THE DEPARTMENT SHALL:**

4                   **(1) IDENTIFY AND ESTABLISH A SEPARATE FUNDING SOURCE TO**  
5 **SUPPORT THE EXPENSES FOR MASS TRANSIT IN THE STATE; AND**

6                   **(2) DEPOSIT ANY MONEY IDENTIFIED UNDER PARAGRAPH (1) OF**  
7 **THIS SUBSECTION INTO THE MASS TRANSIT TRUST FUND.**

8           **(D) THE DEPARTMENT MAY NOT USE ANY MONEY DISTRIBUTED TO THE**  
9 **TRANSPORTATION TRUST FUND UNDER § 2-613.1 OF THE TAX – GENERAL**  
10 **ARTICLE TO PAY FOR MASS TRANSIT IN THE STATE.**

11           **(E) MONEY FROM THE MASS TRANSIT TRUST FUND MAY BE USED ONLY**  
12 **FOR:**

13                   **(1) CAPITAL AND OPERATING EXPENSES OF THE WASHINGTON**  
14 **METROPOLITAN AREA TRANSIT AUTHORITY (WMATA);**

15                   **(2) CAPITAL AND OPERATING EXPENSES OF THE MARYLAND**  
16 **TRANSIT ADMINISTRATION; AND**

17                   **(3) GRANTS TO LOCAL JURISDICTIONS FOR MASS TRANSIT**  
18 **CAPITAL AND OPERATING EXPENSES.**

19           **(F) UNLESS OTHERWISE EXPRESSLY PROVIDED BY STATUTE, THIS**  
20 **SECTION SHALL BE CONSTRUED TO REQUIRE THAT THE MASS TRANSIT TRUST**  
21 **FUND TO BE THE SOLE SOURCE OF FUNDING FOR THE CAPITAL AND OPERATING**  
22 **EXPENSES OF THE MARYLAND TRANSIT ADMINISTRATION, THE CAPITAL AND**  
23 **OPERATING EXPENSES OF THE WASHINGTON METROPOLITAN TRANSIT**  
24 **AUTHORITY, AND GRANTS TO LOCAL JURISDICTIONS FOR MASS TRANSIT**  
25 **CAPITAL AND OPERATING EXPENSES.**

26           **(G) (1) NO PART OF THE MASS TRANSIT TRUST FUND MAY REVERT**  
27 **OR BE CREDITED TO:**

28                   **(I) THE GENERAL FUNDS OF THIS STATE; OR**

29                   **(II) UNLESS OTHERWISE PROVIDED BY LAW, A SPECIAL**  
30 **FUND OF THIS STATE.**

1                   **(2) (I) NOTWITHSTANDING THE PROVISIONS OF § 7-209(E)(2)**  
2 **OF THE STATE FINANCE AND PROCUREMENT ARTICLE, NO PART OF THE MASS**  
3 **TRANSIT TRUST FUND MAY BE TRANSFERRED TO A SPECIAL FUND UNLESS THE**  
4 **TRANSFER IS APPROVED BY THE LEGISLATIVE POLICY COMMITTEE.**

5                   **(II) FAILURE OF THE LEGISLATIVE POLICY COMMITTEE TO**  
6 **REJECT THE TRANSFER WITHIN 15 DAYS AFTER PRESENTATION BEFORE THE**  
7 **LEGISLATIVE POLICY COMMITTEE SHALL BE CONSIDERED TO BE APPROVAL.**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2013.