

SENATE BILL 829

R2, Q5

CONSTITUTIONAL AMENDMENT

(3lr2979)

ENROLLED BILL

— Budget and Taxation/Appropriations and Ways and Means —

Introduced by **Senators Miller, Garagiola, Currie, Kasemeyer, Madaleno, Manno, McFadden, and ~~Raskin~~ Raskin, Brinkley, Colburn, DeGrange, Edwards, Jones-Rodwell, King, Peters, and Robey**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Transportation Trust Fund—~~Financing~~ – Use of Funds**

3 FOR the purpose of ~~adding a new section to the Maryland Constitution to establish a~~
4 ~~Transportation Trust Fund to be used only for purposes relating to~~
5 ~~transportation, except in certain circumstances; prohibiting the reversion or~~
6 ~~crediting of any part of the Transportation Trust Fund to the General Fund or a~~
7 ~~special fund of the State; providing that this addition does not prohibit the~~
8 ~~allocation or use of highway user revenues for counties, municipalities, and~~
9 ~~Baltimore City as authorized by law; requiring that certain taxes, fees, charges,~~
10 ~~and revenues be credited to the Transportation Trust Fund; authorizing the~~
11 ~~transfer of funds from the Transportation Trust Fund if the Governor and the~~
12 ~~General Assembly take certain actions; submitting this amendment to the~~
13 ~~qualified voters of the State for their adoption or rejection; and generally~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~relating to the financing and use of funds of the Transportation Trust Fund proposing an amendment to the Maryland Constitution to establish a Transportation Trust Fund to be used only for purposes relating to transportation except under certain circumstances; prohibiting the transfer of funds in the Transportation Trust Fund to the General Fund or a special fund of the State except under certain circumstances; providing that this amendment does not apply to the allocation or use of certain funds in the Transportation Trust Fund for counties, municipalities, and Baltimore City as authorized by law or a transfer of funds in the Transportation Trust Fund to the Maryland Transportation Authority or the Maryland Transportation Authority Fund; authorizing funds in the Transportation Trust Fund to be used for a purpose not related to transportation or transferred to the General Fund or a special fund of the State if the Governor and the General Assembly take certain action; and submitting this amendment to the qualified voters of the State for their adoption or rejection.~~

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

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

Article III – Legislative Department

53.

(A) THERE IS A TRANSPORTATION TRUST FUND.

(B) EXCEPT AS PROVIDED IN SUBSECTION ~~(F)~~ (E) OF THIS SECTION, THE FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE USED ONLY:

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

(2) AFTER MEETING DEBT SERVICE REQUIREMENTS FOR TRANSPORTATION BONDS, FOR ANY LAWFUL PURPOSE RELATED TO THE CONSTRUCTION AND MAINTENANCE OF AN ADEQUATE HIGHWAY SYSTEM IN THE STATE OR ANY OTHER PURPOSE RELATED TO TRANSPORTATION.

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

1 ~~(D) THIS SECTION DOES NOT PROHIBIT THE ALLOCATION OR USE OF~~
2 ~~HIGHWAY USER REVENUES FOR THE COUNTIES, MUNICIPALITIES, OR~~
3 ~~BALTIMORE CITY THAT IS AUTHORIZED UNDER TITLE 8, SUBTITLE 4 OF THE~~
4 ~~TRANSPORTATION ARTICLE.~~

5 ~~(E) THERE SHALL BE CREDITED TO THE TRANSPORTATION TRUST~~
6 ~~FUND THE FOLLOWING TAXES, FEES, CHARGES, AND REVENUES:~~

7 ~~(1) THE CASH PROCEEDS OF THE SALE OF CONSOLIDATED~~
8 ~~TRANSPORTATION BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION~~
9 ~~ISSUED FOR TRANSPORTATION PURPOSES;~~

10 ~~(2) ALL FEDERAL FUNDS PROVIDED TO THE STATE FOR~~
11 ~~TRANSPORTATION PURPOSES;~~

12 ~~(3) NOT LESS THAN THE PORTION OF MOTOR FUEL TAX REVENUE~~
13 ~~DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE 2,~~
14 ~~SUBTITLE 11 OF THE TAX GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY 1,~~
15 ~~2012;~~

16 ~~(4) NOT LESS THAN THE PORTION OF MOTOR CARRIER TAX~~
17 ~~REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE~~
18 ~~2, SUBTITLE 10 OF THE TAX GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY~~
19 ~~1, 2012;~~

20 ~~(5) NOT LESS THAN THE PORTION OF VEHICLE EXCISE TAX~~
21 ~~REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §~~
22 ~~13-814 OF THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON JULY 1,~~
23 ~~2012;~~

24 ~~(6) NOT LESS THAN THE PORTION OF CORPORATE INCOME TAX~~
25 ~~REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §~~
26 ~~2-614 OF THE TAX GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY 1, 2012;~~

27 ~~(7) NOT LESS THAN THE PORTION OF SALES AND USE TAX~~
28 ~~REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE~~
29 ~~2, SUBTITLE 13 OF THE TAX GENERAL ARTICLE AS IT WAS IN EFFECT ON JULY~~
30 ~~1, 2012;~~

31 ~~(8) VEHICLE REGISTRATION FEES COLLECTED UNDER TITLE 13,~~
32 ~~SUBTITLE 9, PART II OF THE TRANSPORTATION ARTICLE;~~

33 ~~(9) NOT LESS THAN THE PORTION OF REVENUE FROM ALL OTHER~~
34 ~~FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION AND~~

~~DISTRIBUTED IN WHOLE OR IN PART TO THE TRANSPORTATION TRUST FUND UNDER THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON JULY 1, 2012;~~

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

~~(11) ALL OTHER FUNDS DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER A LAW IN EFFECT ON JULY 1, 2012.~~

~~(F) FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE TRANSFERRED FOR ANOTHER PURPOSE IF:~~

~~(1) THE GOVERNOR, BY EXECUTIVE ORDER, DECLARES A FISCAL EMERGENCY EXISTS; AND~~

~~(2) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED UPON A YEA AND NAY VOTE SUPPORTED BY THREE FIFTHS OF ALL THE MEMBERS ELECTED TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS WITH THE USE OF THE FUNDS.~~

~~(C) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, FUNDS IN THE TRANSPORTATION TRUST FUND MAY NOT BE TRANSFERRED TO THE GENERAL FUND OR A SPECIAL FUND OF THE STATE.~~

~~(D) THIS SECTION DOES NOT APPLY TO:~~

~~(1) AN ALLOCATION OR USE OF HIGHWAY USER REVENUES FOR THE COUNTIES, MUNICIPALITIES, OR BALTIMORE CITY THAT IS AUTHORIZED UNDER TITLE 8, SUBTITLE 4 OF THE TRANSPORTATION ARTICLE; OR~~

~~(2) A TRANSFER OF FUNDS IN THE TRANSPORTATION TRUST FUND TO THE MARYLAND TRANSPORTATION AUTHORITY OR THE MARYLAND TRANSPORTATION AUTHORITY FUND.~~

~~(E) FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE USED FOR A PURPOSE NOT RELATED TO TRANSPORTATION OR TRANSFERRED TO THE GENERAL FUND OR A SPECIAL FUND OF THE STATE IF:~~

~~(1) THE GOVERNOR, BY EXECUTIVE ORDER, DECLARES A FISCAL EMERGENCY EXISTS; AND~~

1 **(2) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED ON A YEA**
 2 **AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED**
 3 **TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS WITH**
 4 **THE USE OR TRANSFER OF THE FUNDS.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
 6 determines that the amendment to the Maryland Constitution proposed by this Act
 7 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
 8 Maryland Constitution concerning local approval of constitutional amendments do not
 9 apply.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
 11 proposed as an amendment to the Maryland Constitution shall be submitted to the
 12 qualified voters of the State at the next general election to be held in November 2014
 13 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
 14 At that general election, the vote on this proposed amendment to the Constitution
 15 shall be by ballot, and upon each ballot there shall be printed the words “For the
 16 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
 17 provided by law. Immediately after the election, all returns shall be made to the
 18 Governor of the vote for and against the proposed amendment, as directed by Article
 19 XIV of the Maryland Constitution, and further proceedings had in accordance with
 20 Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.