

# HOUSE BILL 711

Q6, M1, B1

CONSTITUTIONAL AMENDMENT

4lr0726

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By: **Delegates Kach and Olszewski**

Introduced and read first time: January 31, 2014

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transfer Tax Revenues – Special Fund Transfers – Two-Thirds Vote**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to  
4 establish a certain special fund maintained by the Comptroller; prohibiting the  
5 transfer of funds from the special fund to the General Fund during certain fiscal  
6 years unless the funds are replaced through the State Consolidated Capital  
7 Bond Funding Program in certain fiscal years; prohibiting the transfer of funds  
8 from the special fund to the General Fund beginning in a certain fiscal year  
9 unless the transfer is approved by a certain number of all the members elected  
10 to each of the two Houses of the General Assembly; and submitting this  
11 amendment to the qualified voters of the State for their adoption or rejection.

12 BY proposing an addition to the Maryland Constitution

13 Article III – Legislative Department

14 Section 53A

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 **53A.**

20 (A) **THERE IS A SPECIAL FUND MAINTAINED BY THE COMPTROLLER IN**  
21 **ACCORDANCE WITH § 13-209 OF THE TAX – PROPERTY ARTICLE.**

22 (B) **FOR FISCAL YEARS 2016 THROUGH 2018, NO PART OF THE SPECIAL**  
23 **FUND MAINTAINED BY THE COMPTROLLER UNDER § 13-209 OF THE**  
24 **TAX – PROPERTY ARTICLE MAY BE TRANSFERRED OR DIVERTED TO THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 GENERAL FUND OF THE STATE UNLESS THE FUNDING TRANSFERRED IS  
2 REPLACED, ON A DOLLAR-FOR-DOLLAR BASIS, THROUGH THE STATE  
3 CONSOLIDATED CAPITAL BOND FUNDING PROGRAM IN THE SAME FISCAL YEAR  
4 IN WHICH THE SPECIAL FUND TRANSFER TAKES PLACE.

5 (C) BEGINNING IN FISCAL YEAR 2019, NO PART OF THE SPECIAL FUND  
6 MAINTAINED BY THE COMPTROLLER UNDER § 13-209 OF THE TAX – PROPERTY  
7 ARTICLE MAY BE TRANSFERRED OR DIVERTED TO THE GENERAL FUND OF THE  
8 STATE UNLESS LEGISLATION IS PASSED ON A YEA AND NAY VOTE SUPPORTED  
9 BY TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH OF THE TWO HOUSES  
10 OF THE GENERAL ASSEMBLY.

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

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