

# HOUSE BILL 787

B1  
HB 754/14 – APP

CONSTITUTIONAL AMENDMENT

5lr1838

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By: **Delegates McMillan, Fisher, Kramer, Sophocleus, and Szeliga**

Introduced and read first time: February 13, 2015

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Dedicated State Funds Protection Act**

3 FOR the purpose of proposing an amendment to the Maryland Constitution prohibiting  
4 certain transfers of dedicated State funds to the General Fund except for certain  
5 purposes under certain circumstances; requiring the Governor to include certain  
6 provisions in the budget that provide for the repayment of certain dedicated State  
7 funds under certain circumstances within a certain period of time; defining a certain  
8 term; and submitting this amendment to the qualified voters of the State for their  
9 adoption or rejection.

10 BY proposing an addition to the Maryland Constitution  
11 Article III – Legislative Department  
12 Section 53A

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

16 **Article III – Legislative Department**

17 **53A.**

18 (A) IN THIS SECTION, “DEDICATED STATE FUNDS” MEANS REVENUES  
19 COLLECTED BY THE STATE THAT ARE DEDICATED BY LAW TO A SPECIFIC PURPOSE  
20 AS THE LAWS OF MARYLAND WERE IN EFFECT ON JULY 1, 2015.

21 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, DEDICATED  
22 STATE FUNDS MAY BE USED ONLY FOR THE SPECIFIC PURPOSES THAT ARE SET  
23 FORTH IN LAW AS THE LAWS OF MARYLAND WERE IN EFFECT ON JULY 1, 2015, AND  
24 MAY NOT BE TRANSFERRED TO THE GENERAL FUND.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(C) DEDICATED STATE FUNDS MAY BE USED FOR DEFENSE OR RELIEF**  
2 **PURPOSES IF:**

3                   **(1) THE STATE IS INVADED BY LAND, SEA, OR AIR, OR A MAJOR**  
4 **CATASTROPHE OCCURS;**

5                   **(2) THE GOVERNOR:**

6                           **(I) PROCLAIMS A STATE OF EMERGENCY;**

7                           **(II) DECLARES THAT USE OF THE FUNDS FOR DEFENSE OR**  
8 **RELIEF PURPOSES IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE**  
9 **PUBLIC HEALTH OR SAFETY; AND**

10                           **(III) PROPOSES A PLAN TO REPAY THE DEDICATED STATE FUNDS**  
11 **WITHIN 5 YEARS AFTER THE USE OF THE FUNDS FOR ANY AMOUNTS USED UNDER**  
12 **THE AUTHORITY OF THIS SUBSECTION; AND**

13                   **(3) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED UPON A YEA**  
14 **AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL MEMBERS ELECTED TO EACH**  
15 **OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS THAT THE USE OF THE**  
16 **FUNDS FOR DEFENSE OR RELIEF PURPOSES IS NECESSARY AND APPROVES THE**  
17 **REPAYMENT PLAN PROPOSED BY THE GOVERNOR.**

18           **(D) IF THE GOVERNOR INCLUDES A PROVISION IN THE BUDGET TO**  
19 **TRANSFER OR DIVERT REVENUES FROM DEDICATED STATE FUNDS TO THE**  
20 **GENERAL FUND, THE GOVERNOR SHALL ALSO INCLUDE A PROVISION IN THE**  
21 **BUDGET THAT PROVIDES FOR THE REPAYMENT WITHIN 5 YEARS OF THAT TRANSFER**  
22 **OR DIVERSION TO THE DEDICATED STATE FUNDS FROM THE GENERAL FUND.**

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

27           SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
28 proposed as an amendment to the Maryland Constitution shall be submitted to the  
29 qualified voters of the State at the next general election to be held in November 2016 for  
30 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that  
31 general election, the vote on this proposed amendment to the Constitution shall be by  
32 ballot, and upon each ballot there shall be printed the words "For the Constitutional  
33 Amendment" and "Against the Constitutional Amendment," as now provided by law.  
34 Immediately after the election, all returns shall be made to the Governor of the vote for and

1 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,  
2 and further proceedings had in accordance with Article XIV.