

# HOUSE BILL 23

B1  
HB 926/11 – APP

CONSTITUTIONAL AMENDMENT  
(PRE-FILED)

2lr0872

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By: **Delegates McMillan, Aumann, Bromwell, Carter, Fisher, George, Haddaway–Riccio, Kach, K. Kelly, W. Miller, Minnick, O’Donnell, Schuh, Simmons, Sophocleus, Vitale, Weir, Wood, Kramer, and Wilson**

Requested: November 7, 2011

Introduced and read first time: January 11, 2012

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  
4 prohibiting certain transfers of dedicated State funds to the General Fund  
5 except for certain purposes under certain circumstances; requiring the Governor  
6 to include certain provisions in the budget that provide for the repayment of  
7 certain dedicated State funds under certain circumstances within a certain  
8 period of time; requiring that funds in a certain account in the Transportation  
9 Trust Fund be distributed in a certain manner; defining a certain term; and  
10 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) IN THIS SECTION, “DEDICATED STATE FUNDS” MEANS REVENUES  
21 COLLECTED BY THE STATE THAT ARE DEDICATED BY LAW TO A SPECIFIC

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PURPOSE AS THE LAWS OF MARYLAND WERE IN EFFECT ON OR AFTER JULY 1,  
2 2012.

3 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,  
4 DEDICATED STATE FUNDS MAY BE USED ONLY FOR THE SPECIFIC PURPOSES  
5 THAT ARE SET FORTH IN LAW AS THE LAWS OF MARYLAND WERE IN EFFECT ON  
6 OR AFTER JULY 1, 2012, AND MAY NOT BE TRANSFERRED TO THE GENERAL  
7 FUND.

8 (C) DEDICATED STATE FUNDS MAY BE USED FOR DEFENSE OR RELIEF  
9 PURPOSES IF:

10 (1) THE STATE IS INVADED BY LAND, SEA, OR AIR, OR A MAJOR  
11 CATASTROPHE OCCURS;

12 (2) THE GOVERNOR:

13 (I) PROCLAIMS A STATE OF EMERGENCY;

14 (II) DECLARES THAT USE OF THE FUNDS FOR DEFENSE OR  
15 RELIEF PURPOSES IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE  
16 PUBLIC HEALTH OR SAFETY; AND

17 (III) PROPOSES A PLAN TO REPAY THE DEDICATED STATE  
18 FUNDS WITHIN 5 YEARS AFTER THE USE OF THE FUNDS, FOR ANY AMOUNTS  
19 USED UNDER THE AUTHORITY OF THIS SUBSECTION; AND

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

25 (D) IF THE GOVERNOR INCLUDES A PROVISION IN THE BUDGET TO  
26 TRANSFER OR DIVERT REVENUES FROM DEDICATED STATE FUNDS TO THE  
27 GENERAL FUND, THE GOVERNOR SHALL ALSO INCLUDE A PROVISION IN THE  
28 BUDGET THAT PROVIDES FOR THE REPAYMENT WITHIN 5 YEARS OF THAT  
29 TRANSFER OR DIVERSION TO THE DEDICATED STATE FUNDS FROM THE  
30 GENERAL FUND.

31 (E) FUNDS IN THE GASOLINE AND MOTOR VEHICLE REVENUE  
32 ACCOUNT IN THE TRANSPORTATION TRUST FUND SHALL BE DISTRIBUTED AS  
33 PROVIDED IN §§ 8-402, 8-403, 8-404, AND 8-405 OF THE TRANSPORTATION  
34 ARTICLE AS THEY WERE IN EFFECT ON OCTOBER 1, 2008.

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

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