

HOUSE BILL 591

R2, Q5

CONSTITUTIONAL AMENDMENT

11r1727

By: **Delegates Barkley and Krebs**

Introduced and read first time: February 9, 2011

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Trust Fund – Transfer or Diversion of Funds – Voter**
3 **Approval**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to
5 establish a Transportation Trust Fund to be used only for purposes relating to
6 transportation except in certain circumstances; prohibiting the reversion or
7 crediting of any part of the Transportation Trust Fund to the General Fund or a
8 special fund of the State; authorizing the General Assembly to transfer or divert
9 funds from the Transportation Trust Fund for a purpose not related to
10 transportation if approval is granted through a referendum authorized by an act
11 of the General Assembly; requiring that certain taxes, fees, charges, and
12 revenues be credited to the Transportation Trust Fund except in certain
13 circumstances; requiring that funds in a certain account in the Transportation
14 Trust Fund be distributed in a certain manner; and submitting this amendment
15 to the qualified voters of the State for their adoption or rejection.

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

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

22 **Article III – Legislative Department**

23 **53.**

24 **(A) THERE IS A TRANSPORTATION TRUST FUND.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE**
2 **FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE USED:**

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

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

10 **(C) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS**
11 **SECTION, NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR BE**
12 **CREDITED TO THE GENERAL FUND OR A SPECIAL FUND OF THE STATE.**

13 **(D) THE GENERAL ASSEMBLY MAY AUTHORIZE THE TRANSFER OR**
14 **DIVERSION OF FUNDS FROM THE TRANSPORTATION TRUST FUND FOR A**
15 **PURPOSE NOT RELATED TO TRANSPORTATION IF APPROVAL IS GRANTED**
16 **THROUGH A REFERENDUM, AUTHORIZED BY AN ACT OF THE GENERAL**
17 **ASSEMBLY, IN A GENERAL ELECTION BY A MAJORITY OF THE QUALIFIED**
18 **VOTERS IN THE STATE VOTING ON THE QUESTION.**

19 **(E) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THERE**
20 **SHALL BE CREDITED TO THE TRANSPORTATION TRUST FUND THE FOLLOWING**
21 **TAXES, FEES, CHARGES, AND REVENUES:**

22 **(1) THE CASH PROCEEDS OF THE SALE OF CONSOLIDATED**
23 **TRANSPORTATION BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION**
24 **ISSUED FOR TRANSPORTATION PURPOSES;**

25 **(2) ALL FEDERAL FUNDS PROVIDED TO THE STATE FOR**
26 **TRANSPORTATION PURPOSES;**

27 **(3) NOT LESS THAN THE PORTION OF MOTOR FUEL TAX REVENUE**
28 **DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE 2,**
29 **SUBTITLE 11 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON**
30 **OCTOBER 1, 2010;**

31 **(4) NOT LESS THAN THE PORTION OF MOTOR CARRIER TAX**
32 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE**
33 **2, SUBTITLE 10 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON**
34 **OCTOBER 1, 2010;**

1 **(5) NOT LESS THAN THE PORTION OF VEHICLE EXCISE TAX**
2 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §**
3 **13-814 OF THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON OCTOBER**
4 **1, 2010;**

5 **(6) NOT LESS THAN THE PORTION OF CORPORATE INCOME TAX**
6 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §**
7 **2-614 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1,**
8 **2010;**

9 **(7) NOT LESS THAN THE PORTION OF SALES AND USE TAX**
10 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE**
11 **2, SUBTITLE 13 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON**
12 **OCTOBER 1, 2010;**

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

15 **(9) NOT LESS THAN THE PORTION OF REVENUE FROM ALL OTHER**
16 **FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION AND**
17 **DISTRIBUTED IN WHOLE OR IN PART TO THE TRANSPORTATION TRUST FUND**
18 **UNDER THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1,**
19 **2010;**

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

24 **(11) ALL OTHER FUNDS DISTRIBUTED TO THE TRANSPORTATION**
25 **TRUST FUND UNDER A LAW IN EFFECT ON OCTOBER 1, 2010.**

26 **(F) FUNDS IN THE GASOLINE AND MOTOR VEHICLE REVENUE**
27 **ACCOUNT IN THE TRANSPORTATION TRUST FUND SHALL BE DISTRIBUTED AS**
28 **PROVIDED IN §§ 8-402, 8-403, 8-404, AND 8-405 OF THE TRANSPORTATION**
29 **ARTICLE AS THEY WERE IN EFFECT ON OCTOBER 1, 2008.**

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

35 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
36 proposed as an amendment to the Maryland Constitution shall be submitted to the

1 qualified voters of the State at the next general election to be held in November, 2012
2 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
3 At that general election, the vote on this proposed amendment to the Constitution
4 shall be by ballot, and upon each ballot there shall be printed the words “For the
5 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
6 provided by law. Immediately after the election, all returns shall be made to the
7 Governor of the vote for and against the proposed amendment, as directed by Article
8 XIV of the Maryland Constitution, and further proceedings had in accordance with
9 Article XIV.