

SENATE BILL 677

Q5

CONSTITUTIONAL AMENDMENT

11r1403

By: **Senator Brinkley**

Introduced and read first time: February 4, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Trust Fund – Dedicated Highway Funds**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 establish a Transportation Trust Fund to be used only for purposes relating to
5 transportation with certain exceptions; prohibiting the reversion or crediting of
6 any part of the Transportation Trust Fund to the General Fund of the State
7 with a certain exception; prohibiting the reversion or crediting of any part of the
8 Transportation Trust Fund to a special fund of the State with a certain
9 exception; requiring that certain taxes, fees, charges, and revenues be credited
10 to the Transportation Trust Fund; requiring that certain tax and fee revenue
11 credited to the Transportation Trust Fund be used only for certain highway
12 purposes; and submitting this amendment to the qualified voters of the State
13 for their adoption or rejection.

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

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

20 **Article III – Legislative Department**

21 **53.**

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

23 **(B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS**
24 **SECTION AND SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE FUNDS IN**
25 **THE TRANSPORTATION TRUST FUND MAY BE USED ONLY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 **(2) AFTER MEETING DEBT SERVICE REQUIREMENTS FOR**
5 **TRANSPORTATION BONDS, FOR ANY LAWFUL PURPOSE RELATED TO**
6 **TRANSPORTATION.**

7 **(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, NO**
8 **PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR BE CREDITED TO**
9 **THE GENERAL FUND OF THE STATE.**

10 **(2) FUNDS FROM THE GASOLINE AND MOTOR VEHICLE REVENUE**
11 **ACCOUNT IN THE TRANSPORTATION TRUST FUND MAY BE DISTRIBUTED TO**
12 **THE GENERAL FUND AS PROVIDED IN § 8-402 OF THE TRANSPORTATION**
13 **ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1, 2010.**

14 **(3) THE GENERAL ASSEMBLY MAY DECREASE, BUT MAY NOT**
15 **INCREASE, THE PORTION OF FUNDS FROM THE GASOLINE AND MOTOR VEHICLE**
16 **REVENUE ACCOUNT IN THE TRANSPORTATION TRUST FUND THAT IS**
17 **DISTRIBUTED TO THE GENERAL FUND UNDER § 8-402 OF THE**
18 **TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1, 2010.**

19 **(D) NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR**
20 **BE CREDITED TO A SPECIAL FUND OF THE STATE, UNLESS OTHERWISE**
21 **PROVIDED BY A LAW THAT WAS IN EFFECT ON OCTOBER 1, 2010.**

22 **(E) THERE SHALL BE CREDITED TO THE TRANSPORTATION TRUST**
23 **FUND THE FOLLOWING TAXES, FEES, CHARGES, AND REVENUES:**

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

27 **(2) ALL FEDERAL FUNDS PROVIDED TO THE STATE FOR**
28 **TRANSPORTATION PURPOSES;**

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

1 (4) NOT LESS THAN THE PORTION OF MOTOR CARRIER TAX
2 REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE
3 2, SUBTITLE 10 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON
4 OCTOBER 1, 2010;

5 (5) NOT LESS THAN THE PORTION OF VEHICLE EXCISE TAX
6 REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §
7 13-814 OF THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON OCTOBER
8 1, 2010;

9 (6) NOT LESS THAN THE PORTION OF CORPORATE INCOME TAX
10 REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §
11 2-614 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1,
12 2010;

13 (7) NOT LESS THAN THE PORTION OF SALES AND USE TAX
14 REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE
15 2, SUBTITLE 13 OF THE TAX – GENERAL ARTICLE AS IT WAS IN EFFECT ON
16 OCTOBER 1, 2010;

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

19 (9) NOT LESS THAN THE PORTION OF REVENUE FROM ALL OTHER
20 FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION AND
21 DISTRIBUTED IN WHOLE OR IN PART TO THE TRANSPORTATION TRUST FUND
22 UNDER THE TRANSPORTATION ARTICLE AS IT WAS IN EFFECT ON OCTOBER 1,
23 2010;

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

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

30 (F) THE TAX AND FEE REVENUE CREDITED TO THE TRANSPORTATION
31 TRUST FUND UNDER SUBSECTION (E)(3), (4), (5) AND (8) OF THIS SECTION
32 SHALL BE USED ONLY FOR HIGHWAY PURPOSES, INCLUDING:

33 (1) CONSTRUCTION, RECONSTRUCTION, AND REHABILITATION
34 OF PUBLIC HIGHWAYS, ROADS, STREETS, AND BRIDGES;

- 1 **(2) ACQUIRING RIGHTS-OF-WAY;**
- 2 **(3) INSTALLING, MAINTAINING, AND OPERATING TRAFFIC SIGNS**
3 **AND SIGNAL LIGHTS;**
- 4 **(4) POLICING PUBLIC HIGHWAYS, ROADS, STREETS, AND**
5 **BRIDGES;**
- 6 **(5) OPERATING PUBLIC BRIDGES; AND**
- 7 **(6) OPERATING A FERRY AS PART OF A PUBLIC HIGHWAY, ROAD,**
8 **OR STREET.**

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

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