

# HOUSE BILL 21

Q5  
HB 518/11 – APP

CONSTITUTIONAL AMENDMENT

2lr4525

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By: **Delegates Krebs, Afzali, Beitzel, Boteler, Cluster, Eckardt, Frank, Glass, Haddaway–Riccio, Hershey, Jacobs, McComas, McConkey, McDermott, O'Donnell, Parrott, and Smigiel**

Introduced and read first time: October 17, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Trust Fund Protection Act**

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 a certain exception; prohibiting the reversion or crediting of  
6 any part of the Transportation Trust Fund to the General Fund or a special  
7 fund of the State; requiring that certain taxes, fees, charges, and revenues be  
8 credited to the Transportation Trust Fund; authorizing the use of funds in the  
9 Transportation Trust Fund for defense or relief purposes if the State is invaded  
10 or a major catastrophe occurs and the Governor and the General Assembly take  
11 certain actions and provide for the repayment of the funds; requiring that funds  
12 in a certain account in the Transportation Trust Fund be distributed in a  
13 certain manner; and submitting this amendment to the qualified voters of the  
14 State for their adoption or rejection.

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

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

21 **Article III – Legislative Department**

22 **53.**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6           **(2) 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) NO PART OF THE TRANSPORTATION TRUST FUND MAY REVERT OR**  
11 **BE CREDITED TO THE GENERAL FUND OR A SPECIAL FUND OF THE STATE.**

12           **(D) THERE SHALL BE CREDITED TO THE TRANSPORTATION TRUST**  
13 **FUND THE FOLLOWING TAXES, FEES, CHARGES, AND REVENUES:**

14           **(1) THE CASH PROCEEDS OF THE SALE OF CONSOLIDATED**  
15 **TRANSPORTATION BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION**  
16 **ISSUED FOR TRANSPORTATION PURPOSES;**

17           **(2) ALL FEDERAL FUNDS PROVIDED TO THE STATE FOR**  
18 **TRANSPORTATION PURPOSES;**

19           **(3) NOT LESS THAN THE PORTION OF MOTOR FUEL TAX REVENUE**  
20 **DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE 2,**  
21 **SUBTITLE 11 OF THE TAX – GENERAL ARTICLE OF THE ANNOTATED CODE OF**  
22 **MARYLAND AS IT WAS IN EFFECT ON OCTOBER 1, 2011;**

23           **(4) NOT LESS THAN THE PORTION OF MOTOR CARRIER TAX**  
24 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE**  
25 **2, SUBTITLE 10 OF THE TAX – GENERAL ARTICLE OF THE ANNOTATED CODE OF**  
26 **MARYLAND AS IT WAS IN EFFECT ON OCTOBER 1, 2011;**

27           **(5) NOT LESS THAN THE PORTION OF VEHICLE EXCISE TAX**  
28 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §**  
29 **13-814 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF**  
30 **MARYLAND AS IT WAS IN EFFECT ON OCTOBER 1, 2011;**

31           **(6) NOT LESS THAN THE PORTION OF CORPORATE INCOME TAX**  
32 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER §**

1 **2-614 OF THE TAX – GENERAL ARTICLE OF THE ANNOTATED CODE OF**  
2 **MARYLAND AS IT WAS IN EFFECT ON OCTOBER 1, 2011;**

3 **(7) NOT LESS THAN THE PORTION OF SALES AND USE TAX**  
4 **REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER TITLE**  
5 **2, SUBTITLE 13 OF THE TAX – GENERAL ARTICLE OF THE ANNOTATED CODE OF**  
6 **MARYLAND AS IT WAS IN EFFECT ON OCTOBER 1, 2011;**

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

10 **(9) NOT LESS THAN THE PORTION OF REVENUE FROM ALL OTHER**  
11 **FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION AND**  
12 **DISTRIBUTED IN WHOLE OR IN PART TO THE TRANSPORTATION TRUST FUND**  
13 **UNDER THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF**  
14 **MARYLAND AS IT WAS IN EFFECT ON OCTOBER 1, 2011;**

15 **(10) OPERATING REVENUES FROM FARES, FEES, RATES, RENTALS,**  
16 **AND OTHER CHARGES IMPOSED BY THE MARYLAND TRANSIT ADMINISTRATION,**  
17 **MARYLAND AVIATION ADMINISTRATION, AND MARYLAND PORT**  
18 **ADMINISTRATION FOR THE USE OF THEIR SERVICES OR FACILITIES; AND**

19 **(11) ALL OTHER FUNDS DISTRIBUTED TO THE TRANSPORTATION**  
20 **TRUST FUND UNDER A LAW IN EFFECT ON OCTOBER 1, 2011.**

21 **(E) THE FUNDS IN THE TRANSPORTATION TRUST FUND MAY BE USED**  
22 **FOR DEFENSE OR RELIEF PURPOSES IF:**

23 **(1) (I) THE STATE IS INVADED BY LAND, SEA, OR AIR; OR**

24 **(II) A MAJOR CATASTROPHE OCCURS;**

25 **(2) THE GOVERNOR:**

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

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

1                   **(III) PROPOSES A PLAN TO REPAY THE TRANSPORTATION**  
2 **TRUST FUND, WITHIN 5 YEARS AFTER THE USE OF THE FUNDS, FOR ANY**  
3 **AMOUNTS USED UNDER THE AUTHORITY OF THIS SUBSECTION; AND**

4                   **(3) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED ON A YEA**  
5 **AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED**  
6 **TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS THAT**  
7 **THE USE OF THE FUNDS FOR DEFENSE OR RELIEF PURPOSES IS NECESSARY AND**  
8 **APPROVES THE REPAYMENT PLAN PROPOSED BY THE GOVERNOR.**

9                   **(F) LEGISLATION PASSED BY THE GENERAL ASSEMBLY UNDER**  
10 **SUBSECTION (E)(3) OF THIS SECTION SHALL CONTAIN ONLY THOSE PROVISIONS**  
11 **REQUIRED TO COMPLY WITH SUBSECTION (E)(3) OF THIS SECTION.**

12                   **(G) FUNDS IN THE GASOLINE AND MOTOR VEHICLE REVENUE**  
13 **ACCOUNT IN THE TRANSPORTATION TRUST FUND SHALL BE DISTRIBUTED AS**  
14 **PROVIDED IN §§ 8-402, 8-403, 8-404, AND 8-405 OF THE TRANSPORTATION**  
15 **ARTICLE OF THE ANNOTATED CODE OF MARYLAND AS THOSE SECTIONS WERE**  
16 **IN EFFECT ON OCTOBER 1, 2008.**

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

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