

HOUSE BILL 695

B1

CONSTITUTIONAL AMENDMENT

2lr1801
CF SB 619

By: **Delegate McDonough**

Introduced and read first time: February 8, 2012

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Dedicated Funds – Prohibition of Transfer**

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 under certain circumstances; authorizing the General Assembly to
6 transfer certain funds under certain circumstances; defining a certain term; and
7 submitting this amendment to the qualified voters of the State for their
8 adoption or rejection.

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

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

15 **Article III – Legislative Department**

16 **53.**

17 (A) (1) IN THIS SECTION, “DEDICATED STATE FUNDS” MEANS
18 REVENUES COLLECTED BY THE STATE THAT ARE DEDICATED OR
19 CONTINUOUSLY APPROPRIATED BY LAW TO A SPECIFIC PURPOSE.

20 (2) “DEDICATED STATE FUNDS” DOES NOT INCLUDE FUNDS
21 RECEIVED FROM THE STATE LOTTERY OR THE FEDERAL GOVERNMENT.

22 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
23 DEDICATED STATE FUNDS MAY BE USED ONLY FOR THE SPECIFIC PURPOSES

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THAT ARE SET FORTH IN LAW AND MAY NOT BE TRANSFERRED TO THE GENERAL
2 FUND.

3 (C) (1) THE GENERAL ASSEMBLY MAY USE DEDICATED STATE FUNDS
4 FOR A PURPOSE DIFFERENT FROM THE PURPOSE FOR WHICH THE FUNDS WERE
5 DEDICATED IF:

6 (I) THE GOVERNOR DECLARES AN EMERGENCY;

7 (II) THE GENERAL ASSEMBLY, BY LAW, ALTERS THE
8 PURPOSES FOR WHICH THE DEDICATED STATE FUNDS MAY BE USED; OR

9 (III) THE GENERAL ASSEMBLY, BY LAW, IN RESPONSE TO A
10 REALIZED SAVINGS, TRANSFERS THE DEDICATED STATE FUNDS IN AN EQUAL
11 PROPORTION AMONG OTHER STATE FUNDS.

12 (2) THE GENERAL ASSEMBLY, BY LAW, MAY REPEAL A
13 DEDICATED STATE FUND AND TRANSFER THE FUNDS TO ANOTHER FUND OR
14 ACCOUNT.

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

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