

HOUSE BILL 655

P4, P5, B1

CONSTITUTIONAL AMENDMENT

01r0764

By: **Delegates Impallaria, Aumann, Boteler, Costa, Dwyer, George, Jennings, Kach, Krebs, McComas, McDonough, Schuh, Shewell, Sossi, and Stocksdale**

Introduced and read first time: February 3, 2010

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Furloughs and Temporary Salary Reductions**

3 FOR the purpose of proposing an amendment to the Maryland Constitution that
4 authorizes the General Assembly, for any fiscal year, to supersede a formal
5 resolution of the General Assembly Compensation Commission or a joint
6 resolution passed by the General Assembly that supersedes an item in a formal
7 resolution of the Commission, and reduces the compensation and allowances for
8 a member of the General Assembly; prohibiting a joint resolution passed by the
9 General Assembly that supersedes a resolution of the Commission or a joint
10 resolution passed by the General Assembly that supersedes an item in a formal
11 resolution of the Commission from increasing an item or provision that
12 establishes certain compensation and allowances; authorizing the General
13 Assembly to alter the salaries of members of the General Assembly at certain
14 times; requiring the Governor to convene the General Assembly in
15 extraordinary session under certain circumstances; requiring the General
16 Assembly to reduce certain appropriations by a certain amount in a certain
17 manner during certain extraordinary sessions; requiring the General Assembly
18 to reduce the compensation of the members of the General Assembly under
19 certain circumstances during certain extraordinary sessions; providing that the
20 compensation for a member of the General Assembly reverts to a certain status
21 at the end of a certain period; and submitting this amendment to the qualified
22 voters of the State of Maryland for their adoption or rejection.

23 BY proposing an amendment to the Maryland Constitution
24 Article III – Legislative Department
25 Section 15, 35, and 52

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 **Article III – Legislative Department**

5 15.

6 **[(1)] (A)** The General Assembly may continue its session so long as in its
7 judgment the public interest may require, for a period not longer than ninety days in
8 each year. The ninety days shall be consecutive unless otherwise provided by law. The
9 General Assembly may extend its session beyond ninety days, but not exceeding an
10 additional thirty days, by resolution concurred in by a three-fifths vote of the
11 membership in each House. When the General Assembly is convened by Proclamation
12 of the Governor, the session shall not continue longer than thirty days, but no
13 additional compensation other than mileage and other allowances provided by law
14 shall be paid members of the General Assembly for special session.

15 **[(2)] (B) (1)** Any compensation and allowances paid to members of the
16 General Assembly shall be as established by a commission known as the General
17 Assembly Compensation Commission **OR, SUBJECT TO PARAGRAPH (4) OF THIS**
18 **SUBSECTION, AS SUPERSEDED BY ANOTHER JOINT RESOLUTION PASSED BY THE**
19 **GENERAL ASSEMBLY.**

20 **(2)** The Commission shall consist of nine members, five of whom shall
21 be appointed by the Governor, two of whom shall be appointed by the President of the
22 Senate, and two of whom shall be appointed by the Speaker of the House of Delegates.
23 Members of the General Assembly and officers and employees of the Government of
24 the State of Maryland or of any county, city, or other governmental unit of the State
25 shall not be eligible for appointment to the Commission. Members of the Commission
26 shall be appointed for terms of four years commencing on June 1 of each gubernatorial
27 election year. Members of the Commission are eligible for re-appointment. Any
28 member of the Commission may be removed by the Governor prior to the expiration of
29 his term for official misconduct, incompetence, or neglect of duty. The members shall
30 serve without compensation but shall be reimbursed for expenses incurred in carrying
31 out their responsibilities under this section. Decisions of the Commission must be
32 concurred in by at least five members.

33 **(3)** Within 15 days after the beginning of the regular session of the
34 General Assembly in 1974 and within 15 days after the beginning of the regular
35 session in each fourth year thereafter, the Commission by formal resolution shall
36 submit its determinations for compensation and allowances to the General Assembly.
37 The General Assembly may reduce or reject, but shall not increase any item in the
38 resolution. The resolution, with any reductions that shall have been concurred in by
39 joint resolution of the General Assembly, shall take effect and have the force of law as
40 of the beginning of the term of office of the next General Assembly. Rates of
41 compensation and pensions shall be uniform for all members of the General Assembly,

1 except that the officers of the Senate and the House of Delegates may receive higher
2 compensation as determined by the General Assembly Compensation Commission.
3 The provisions of the Compensation Commission resolution shall continue in force
4 until superseded by any succeeding resolution **OF THE COMMISSION OR OTHER**
5 **JOINT RESOLUTION OF THE GENERAL ASSEMBLY.**

6 **(4) SUBJECT TO PARAGRAPHS (5) AND (6) OF THIS SUBSECTION,**
7 **FOR ANY FISCAL YEAR THE GENERAL ASSEMBLY MAY SUPERSEDE BY**
8 **ENACTMENT OF A JOINT RESOLUTION:**

9 **(I) AN ITEM IN A FORMAL RESOLUTION OF THE**
10 **COMMISSION; OR**

11 **(II) A PROVISION OF A JOINT RESOLUTION THAT**
12 **SUPERSEDES AN ITEM IN A FORMAL RESOLUTION OF THE COMMISSION.**

13 **(5) (I) A JOINT RESOLUTION ADOPTED UNDER PARAGRAPH (4)**
14 **OF THIS SUBSECTION MAY REDUCE, BUT NOT INCREASE, AN ITEM IN THE**
15 **RESOLUTION OF THE COMMISSION OR A PROVISION IN A JOINT RESOLUTION**
16 **SUPERSEDING AN ITEM IN A FORMAL RESOLUTION OF THE COMMISSION.**

17 **(II) IF, FOR ANY FISCAL YEAR, THE GENERAL ASSEMBLY**
18 **REDUCES AN ITEM IN THE RESOLUTION OF THE COMMISSION OR A PROVISION**
19 **IN A JOINT RESOLUTION SUPERSEDING AN ITEM IN A FORMAL RESOLUTION OF**
20 **THE COMMISSION, THE ITEM OR THE PROVISION, AS APPROPRIATE, SHALL**
21 **REVERT TO ITS ORIGINAL STATUS AT THE COMMENCEMENT OF THE NEXT**
22 **SUCCEEDING FISCAL YEAR.**

23 **[(4)] (6)** In no event shall the compensation and allowances be less
24 than they were prior to the establishment of the Compensation Commission.

25 35.

26 Extra compensation may not be granted or allowed by the General Assembly to
27 any public Officer, Agent, Servant or Contractor, after the service has been rendered,
28 or the contract entered into; nor may the salary or compensation of any public officer
29 be increased or diminished during his term of office except those whose full term of
30 office is fixed by law in excess of 4 years **AND MEMBERS OF THE GENERAL**
31 **ASSEMBLY UNDER SECTION 15 OF THIS ARTICLE.** However, after January 1, 1956,
32 for services rendered after that date, the salary or compensation of any appointed
33 public officer of the Mayor and City Council of Baltimore may be increased or
34 diminished at any time during his term of office; except that as to officers in the
35 Classified City Service, when the salary of any appointed public officer of the Mayor
36 and City Council of Baltimore however, increased or decreased, it may not again be
37 increased or decreased, as the case may be, during the term of such public officer.

1 52.

2 (1) The General Assembly shall not appropriate any money out of the
3 Treasury except in accordance with the provisions of this section.

4 (2) Every appropriation bill shall be either a Budget Bill, or a Supplementary
5 Appropriation Bill, as hereinafter provided.

6 (3) On the third Wednesday in January in each year, (except in the case of a
7 newly elected Governor, and then not later than ten days after the convening of the
8 General Assembly), unless such time shall be extended by the General Assembly, the
9 Governor shall submit to the General Assembly a Budget for the next ensuing fiscal
10 year. Each Budget shall contain a complete plan of proposed expenditures and
11 estimated revenues for said fiscal year and shall show the estimated surplus or deficit
12 of revenues at the end of the preceding fiscal year. Accompanying each Budget shall be
13 a statement showing: (a) the revenues and expenditures for the preceding fiscal year;
14 (b) the current assets, liabilities, reserves and surplus or deficit of the State; (c) the
15 debts and funds of the State; (d) an estimate of the State's financial condition as of the
16 beginning and end of the preceding fiscal year; (e) any explanation the Governor may
17 desire to make as to the important features of the Budget and any suggestions as to
18 methods for reduction or increase of the State's revenue.

19 (4) Each Budget shall embrace an estimate of all appropriations in such form
20 and detail as the Governor shall determine or as may be prescribed by law, as follows:
21 (a) for the General Assembly as certified to the Governor in the manner hereinafter
22 provided; (b) for the Executive Department; (c) for the Judiciary Department, as
23 provided by law, as certified to the Governor; (d) to pay and discharge the principal
24 and interest of the debt of the State in conformity with Section 34 of Article III of the
25 Constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by
26 the State and under the Constitution and laws of the State; (f) for the establishment
27 and maintenance throughout the State of a thorough and efficient system of public
28 schools in conformity with Article 8 of the Constitution and with the laws of the State;
29 and (g) for such other purposes as are set forth in the Constitution or laws of the State.

30 (5) The Governor shall deliver to the presiding officer of each House the
31 Budget and a bill for all the proposed appropriations of the Budget classified and in
32 such form and detail as he shall determine or as may be prescribed by law; and the
33 presiding officer of each House shall promptly cause said bill to be introduced therein,
34 and such bill shall be known as the "Budget Bill." The Governor may, with the consent
35 of the General Assembly, before final action thereon by the General Assembly, amend
36 or supplement said Budget to correct an oversight, provide funds contingent on
37 passage of pending legislation or, in case of an emergency, by delivering such an
38 amendment or supplement to the presiding officers of both Houses; and such
39 amendment or supplement shall thereby become a part of said Budget Bill as an
40 addition to the items of said bill or as a modification of or a substitute for any item of
41 said bill such amendment or supplement may affect.

1 (5a) The Budget and the Budget Bill as submitted by the Governor to the
2 General Assembly shall have a figure for the total of all proposed appropriations and a
3 figure for the total of all estimated revenues available to pay the appropriations, and
4 the figure for total proposed appropriations shall not exceed the figure for total
5 estimated revenues. Neither the Governor in submitting an amendment or
6 supplement to the Budget Bill nor the General Assembly in amending the Budget Bill
7 shall thereby cause the figure for total proposed appropriations to exceed the figure for
8 total estimated revenues, including any revisions, and in the Budget Bill as enacted
9 the figure for total estimated revenues always shall be equal to or exceed the figure for
10 total appropriations.

11 (6) The General Assembly shall not amend the Budget Bill so as to affect
12 either the obligations of the State under Section 34 of Article III of the Constitution, or
13 the provisions made by the laws of the State for the establishment and maintenance of
14 a system of public schools or the payment of any salaries required to be paid by the
15 State of Maryland by the Constitution thereof; and the General Assembly may amend
16 the bill by increasing or diminishing the items therein relating to the General
17 Assembly, and by increasing or diminishing the items therein relating to the judiciary,
18 but except as hereinbefore specified, may not alter the said bill except to strike out or
19 reduce items therein, provided, however, that the salary or compensation of any public
20 officer shall not be decreased during his term of office; and such bill, when and as
21 passed by both Houses, shall be a law immediately without further action by the
22 Governor.

23 (7) The Governor and such representatives of the executive departments,
24 boards, officers and commissions of the State expending or applying for State's
25 moneys, as have been designated by the Governor for this purpose, shall have the
26 right, and when requested by either House of the General Assembly, it shall be their
27 duty to appear and be heard with respect to any Budget Bill during the consideration
28 thereof, and to answer inquiries relative thereto.

29 (8) Supplementary Appropriation Bill. Either House may consider other
30 appropriations but both Houses shall not finally act upon such appropriations until
31 after the Budget Bill has been finally acted upon by both Houses, and no such other
32 appropriation shall be valid except in accordance with the provisions following: (a)
33 Every such appropriation shall be embodied in a separate bill limited to some single
34 work, object or purpose therein stated and called herein a Supplementary
35 Appropriation Bill; (b) Each Supplementary Appropriation Bill shall provide the
36 revenue necessary to pay the appropriation thereby made by a tax, direct or indirect,
37 to be levied and collected as shall be directed in said bill; (c) No Supplementary
38 Appropriation Bill shall become a law unless it be passed in each House by a vote of a
39 majority of the whole number of the members elected, and the yeas and nays recorded
40 on its final passage; (d) Each Supplementary Appropriation Bill shall be presented to
41 the Governor of the State as provided in Section 17 of Article 2 of the Constitution and
42 thereafter all the provisions of said section shall apply.

43 (9) Nothing in this section shall be construed as preventing the General
44 Assembly from passing at any time, in accordance with the provisions of Section 28 of

1 Article 3 of the Constitution and subject to the Governor's power of approval as
2 provided in Section 17 of Article 2 of the Constitution, an appropriation bill to provide
3 for the payment of any obligation of the State within the protection of Section 10 of
4 Article 1 of the Constitution of the United States.

5 (10) If the Budget Bill shall not have been finally acted upon by the
6 Legislature seven days before the expiration of the regular session, the Governor shall
7 issue a proclamation extending the session for some further period as may, in his
8 judgment, be necessary for the passage of such bill; but no matter other than such bill
9 shall be considered during such extended session except a provision for the cost
10 thereof.

11 (11) For the purpose of making up the Budget, the Governor shall require
12 from the proper State officials, (including all executive departments, all executive and
13 administrative offices, bureaus, boards, commissions and agencies that expend or
14 supervise the expenditure of, and all institutions applying, for State moneys and
15 appropriations) such itemized estimates and other information, in such form and at
16 such times as directed by the Governor. An estimate for a program required to be
17 funded by a law which will be in effect during the fiscal year covered by the Budget
18 and which was enacted before July 1 of the fiscal year prior to that date shall provide a
19 level of funding not less than that prescribed in the law. The estimates for the
20 Legislative Department, certified by the presiding officer of each House, of the
21 Judiciary, as provided by law, certified by the Chief Judge of the Court of Appeals, and
22 for the public schools, as provided by law, shall be transmitted to the Governor, in
23 such form and at such times as directed by the Governor, and shall be included in the
24 Budget without revision.

25 (12) The Governor may provide for public hearings on all estimates and may
26 require the attendance at such hearings of representatives of all agencies, and for all
27 institutions applying for State moneys. After such public hearings he may, in his
28 discretion, revise all estimates except those for the legislative and judiciary
29 departments, and for the public schools, as provided by law, and except that he may
30 not reduce an estimate for a program below a level of funding prescribed by a law
31 which will be in effect during the fiscal year covered by the Budget, and which was
32 enacted before July 1 of the fiscal year prior thereto.

33 (13) The General Assembly may, from time to time, enact such laws not
34 inconsistent with this section, as may be necessary and proper to carry out its
35 provisions.

36 (14) In the event of any inconsistency between any of the provisions of this
37 Section and any of the other provisions of the Constitution, the provisions of this
38 Section shall prevail. But nothing herein shall in any manner affect the provisions of
39 Section 34 of Article 3 of the Constitution or of any laws heretofore or hereafter passed
40 in pursuance thereof, or be construed as preventing the Governor from calling
41 extraordinary sessions of the General Assembly, as provided by Section 16 of Article 2,
42 or as preventing the General Assembly at such extraordinary sessions from
43 considering any emergency appropriation or appropriations.

1 (15) If any item of any appropriation bill passed under the provisions of this
2 Section shall be held invalid upon any ground, such invalidity shall not affect the
3 legality of the bill or of any other item of such bill or bills.

4 (16) (I) THIS SUBSECTION APPLIES ONLY IN ANY FISCAL YEAR IN
5 WHICH:

6 1. THE STATE BUDGET FOR THAT FISCAL YEAR IS
7 GREATER THAN THE STATE BUDGET FOR THE IMMEDIATELY PREVIOUS FISCAL
8 YEAR; AND

9 2. THERE IS A PROJECTED DEFICIT FOR THE REMAINDER
10 OF THAT FISCAL YEAR.

11 (II) IN A FISCAL YEAR DESCRIBED UNDER PARAGRAPH (I) OF THIS
12 SUBSECTION AND WHEN THE GOVERNOR REDUCES APPROPRIATIONS IN THE
13 CURRENT FISCAL YEAR IN ACCORDANCE WITH § 7-213 OF THE STATE FINANCE
14 AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND BY
15 INSTITUTING A FURLOUGH OR TEMPORARY SALARY REDUCTION PLAN FOR
16 EXECUTIVE BRANCH EMPLOYEES OF THE STATE, THE GOVERNOR SHALL
17 CONVENE THE LEGISLATURE IN EXTRAORDINARY SESSION IN ACCORDANCE
18 WITH SECTION 16 OF ARTICLE II OF THIS CONSTITUTION.

19 (III) 1. DURING THE EXTRAORDINARY SESSION CONVENED
20 UNDER PARAGRAPH (II) OF THIS SUBSECTION, THE GENERAL ASSEMBLY SHALL
21 REDUCE APPROPRIATIONS MADE BY THE STATE BUDGET BILL FOR THE
22 CURRENT FISCAL YEAR BY AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN
23 THE TOTAL AMOUNT OF THE STATE BUDGET FOR THE CURRENT YEAR AND THE
24 TOTAL AMOUNT OF THE STATE BUDGET FOR THE IMMEDIATELY PRECEDING
25 FISCAL YEAR.

26 2. SUBJECT TO SECTION 15(B)(4) OF THIS ARTICLE, THE
27 GENERAL ASSEMBLY SHALL REDUCE THE COMPENSATION OF THE GENERAL
28 ASSEMBLY BY AN AMOUNT EQUAL TO ANY FURLOUGH OR TEMPORARY SALARY
29 REDUCTION FOR EXECUTIVE BRANCH EMPLOYEES OF THE STATE INSTITUTED
30 BY THE GOVERNOR.

31 3. THE REDUCTIONS UNDER SUBPARAGRAPH 1 OF THIS
32 PARAGRAPH SHALL BE MADE THROUGH A BILL INTRODUCED IN EACH HOUSE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
34 determines that the amendment to the Maryland Constitution proposed by this Act
35 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the

1 Maryland Constitution concerning local approval of constitutional amendments do not
2 apply.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
4 proposed as an amendment to the Maryland Constitution shall be submitted to the
5 legal and qualified voters of this State at the next general election to be held in
6 November, 2010 for their adoption or rejection pursuant to Article XIV of the
7 Maryland Constitution. At that general election, the vote on this proposed amendment
8 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
9 words "For the Constitutional Amendment" and "Against the Constitutional
10 Amendment," as now provided by law. Immediately after the election, all returns shall
11 be made to the Governor of the vote for and against the proposed amendment, as
12 directed by Article XIV of the Maryland Constitution, and further proceedings had in
13 accordance with Article XIV.