

HOUSE BILL 819

P1

CONSTITUTIONAL AMENDMENT

2lr1719
CF SB 700

By: **Delegates W. Miller, Afzali, Aumann, Barkley, Barve, Bates, Bobo, Boteler, Burns, Cluster, Davis, DeBoy, Dwyer, Eckardt, Elliott, Feldman, Fisher, Frank, George, Haddaway–Ricchio, Hershey, Hough, Huckler, Impallaria, Jacobs, Jameson, Kach, Kipke, Krebs, Love, McComas, McConkey, McDermott, McDonough, Minnick, Myers, Norman, O'Donnell, Otto, Ready, Rosenberg, Rudolph, Schuh, Schulz, Serafini, Smigiel, Stifler, Stocksdale, Valentino–Smith, and Vitale**

Introduced and read first time: February 9, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Inspector General – Establishment**

3 FOR the purpose of establishing the office of the Inspector General; providing for the
4 term of the office; specifying eligibility qualifications that an individual must
5 meet for the office; requiring that the Inspector General receive a certain salary;
6 specifying the term of office; providing that an individual who has served as
7 Inspector General for a certain number of terms is ineligible for reelection for a
8 certain period; providing that the Inspector General is subject to removal by the
9 General Assembly under certain circumstances; authorizing the General
10 Assembly to provide by law for the impeachment of the Inspector General;
11 requiring that a certain process for impeachment be consistent with a certain
12 provision of the Maryland Constitution; specifying the method to be used for
13 filling a vacancy in the office of Inspector General; prohibiting an individual
14 who has held the office of Inspector General from being a candidate in a certain
15 election for a certain time period after leaving office; specifying the duties and
16 powers of the Inspector General; and submitting this amendment to the
17 qualified voters of the State of Maryland for their adoption or rejection.

18 BY proposing an addition to the Maryland Constitution

19 New Article XX – Inspector General

20 Section 1 through 6

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



ARTICLE XX – INSPECTOR GENERAL

1

2 1.

3 (A) THERE IS AN INSPECTOR GENERAL ELECTED BY THE QUALIFIED
4 VOTERS OF THE STATE.

5 (B) TO BE ELIGIBLE FOR THE OFFICE OF INSPECTOR GENERAL, AN
6 INDIVIDUAL:

7 (1) SHALL BE AT LEAST 25 YEARS OLD AND A RESIDENT OF THE
8 STATE; AND

9 (2) MAY NOT HAVE HELD ANOTHER ELECTED OFFICE IN THE
10 STATE WITHIN 2 YEARS BEFORE THE ELECTION FOR INSPECTOR GENERAL IS
11 HELD.

12 (C) THE INSPECTOR GENERAL SHALL RECEIVE THE SALARY
13 ESTABLISHED BY LAW.

14 2.

15 (A) THE TERM OF OFFICE OF THE INSPECTOR GENERAL:

16 (1) IS 4 YEARS, AND UNTIL THE SUCCESSOR QUALIFIES AND
17 TAKES OFFICE; AND

18 (2) SHALL BEGIN ON THE THIRD WEDNESDAY OF JANUARY IN
19 THE YEAR FOLLOWING THE ELECTION OF THE INSPECTOR GENERAL.

20 (B) AN INDIVIDUAL WHO HAS SERVED TWO CONSECUTIVE POPULAR
21 ELECTIVE TERMS OF OFFICE AS INSPECTOR GENERAL SHALL BE INELIGIBLE
22 FOR THE TERM IMMEDIATELY FOLLOWING THE SECOND OF THE TWO
23 CONSECUTIVE TERMS.

24 3.

25 (A) THE INSPECTOR GENERAL IS SUBJECT TO REMOVAL FROM OFFICE
26 BY THE GENERAL ASSEMBLY FOR INCOMPETENCY, MALFEASANCE IN OFFICE,
27 OR WILLFUL NEGLECT OF DUTY.

1 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
2 **GENERAL ASSEMBLY MAY PROVIDE BY LAW FOR THE IMPEACHMENT OF THE**
3 **INSPECTOR GENERAL.**

4 **(2) THE PROCESS FOR IMPEACHMENT PROVIDED BY LAW UNDER**
5 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH SECTION 26**
6 **OF ARTICLE III OF THIS CONSTITUTION.**

7 **4.**

8 **(A) IN THE CASE OF A VACANCY IN THE OFFICE OF INSPECTOR**
9 **GENERAL, OCCASIONED BY DEATH, RESIGNATION, REMOVAL FROM OFFICE, OR**
10 **OTHER DISQUALIFICATION, THE VACANCY SHALL BE FILLED:**

11 **(1) IF THE VACANCY OCCURS MORE THAN 2 YEARS BEFORE THE**
12 **EXPIRATION OF THE INSPECTOR GENERAL'S TERM, THROUGH A SPECIAL**
13 **ELECTION HELD IN A MANNER PROVIDED BY THE GENERAL ASSEMBLY BY LAW;**
14 **OR**

15 **(2) IF THE VACANCY OCCURS 2 YEARS OR LESS BEFORE THE**
16 **EXPIRATION OF THE INSPECTOR GENERAL'S TERM, THROUGH THE**
17 **APPOINTMENT OF A SUCCESSOR BY THE GENERAL ASSEMBLY IN ACCORDANCE**
18 **WITH SUBSECTION (B) OF THIS SECTION.**

19 **(B) A SUCCESSOR TO THE OFFICE OF INSPECTOR GENERAL SHALL BE**
20 **APPOINTED ON JOINT BALLOT BY THE TWO HOUSES OF THE GENERAL**
21 **ASSEMBLY AT THE NEXT REGULAR OR EXTRAORDINARY SESSION OF THE**
22 **GENERAL ASSEMBLY FOLLOWING THE CREATION OF THE VACANCY.**

23 **5.**

24 **AN INDIVIDUAL WHO HAS HELD THE OFFICE OF INSPECTOR GENERAL**
25 **MAY NOT BE A CANDIDATE IN AN ELECTION HELD IN THE STATE WITHIN 4 YEARS**
26 **AFTER LEAVING THE OFFICE.**

27 **6.**

28 **THE INSPECTOR GENERAL SHALL:**

29 **(1) INVESTIGATE ALLEGATIONS OF FRAUD AND WASTE IN THE**
30 **EXECUTIVE BRANCH;**

31 **(2) CONDUCT AUDITS OF THE EXECUTIVE BRANCH; AND**

1 **(3) HAVE ANY POWERS AND PERFORM ANY DUTIES PROVIDED BY**
2 **LAW BY THE GENERAL ASSEMBLY.**

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

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