

HOUSE BILL 45
Constitutional Amendment

Unofficial Copy
P1

2000 Regular Session
0lr0770

(PRE-FILED)

By: **Delegate Arnick**
Requested: October 28, 1999
Introduced and read first time: January 12, 2000
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 15, 2000

CHAPTER _____

1 AN ACT concerning

2 **State Comptroller - Rules of Succession**

3 FOR the purpose of proposing an amendment to the Constitution of Maryland that
4 changes the rules of succession ~~to for~~ for the office of State Comptroller in ~~the event~~
5 case of a vacancy in that office so that the, or if the Comptroller is removed
6 under certain circumstances, to require that the Chief Deputy Comptroller
7 ~~assumes office~~ acts as Comptroller until a successor is elected at the next
8 regularly scheduled general election and the successor qualifies and takes office;
9 and submitting this amendment to the qualified voters of the State of Maryland
10 for their adoption or rejection.

11 BY proposing an amendment to the Constitution of Maryland
12 Article VI - Treasury Department
13 Section 1 and 6

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

17 **Article VI - Treasury Department**

18 1.

19 There shall be a Treasury Department, consisting of a Comptroller chosen by
20 the qualified electors of the State, who shall receive such salary as may be fixed by
21 law; and a Treasurer, to be appointed on joint ballot by the two Houses of the
22 Legislature at each regular session in which begins the term of the Governor, who

1 shall receive such salary as may be fixed by law. The terms of office of the Comptroller
2 and Treasurer shall be for four years, and until their successors shall qualify; and
3 neither of the officers shall be allowed, or receive any fees, commissions or perquisites
4 of any kind in addition to his salary for the performance of any duty or services
5 whatsoever. In case of a vacancy in the office of the Comptroller by death or
6 otherwise, [the Governor, by and with the advice and consent of the Senate, shall fill
7 such vacancy by appointment, to continue until another election and until the
8 qualification of the successor] THE CHIEF DEPUTY COMPTROLLER SHALL ACT AS
9 COMPTROLLER UNTIL A SUCCESSOR IS ELECTED AT THE NEXT REGULARLY
10 SCHEDULED GENERAL ELECTION, AND THE SUCCESSOR QUALIFIES AND TAKES
11 OFFICE. In case of a vacancy in the office of the Treasurer by death or otherwise, the
12 Deputy Treasurer shall act as Treasurer until the next regular or extraordinary
13 session of the Legislature following the creation of the vacancy, whereupon the
14 Legislature shall choose a successor to serve for the duration of the unexpired term of
15 office. The Comptroller and the Treasurer shall keep their offices at the seat of
16 government, and shall take such oaths and enter into such bonds for the faithful
17 discharge of their duties as are now or may hereafter be prescribed by law.

18 6.

19 Whenever during the recess of the Legislature charges shall be preferred to the
20 Governor against the Comptroller or Treasurer, for incompetency, malfeasance in
21 office, willful neglect of duty, or misappropriation of the funds of the State, it shall be
22 the duty of the Governor forthwith to notify the party so charged, and fix a day for a
23 hearing of said charges; and if, in the case of the Comptroller, from the evidence
24 taken, under oath, on said hearing before the Governor, the said allegations shall be
25 sustained, it shall be the duty of the Governor to remove the [Comptroller and
26 appoint another in his place, who shall hold the office for the unexpired term of the
27 Comptroller so removed] COMPTROLLER, AND THE CHIEF DEPUTY COMPTROLLER
28 SHALL ACT AS COMPTROLLER UNTIL A SUCCESSOR IS ELECTED AT THE NEXT
29 REGULARLY SCHEDULED GENERAL ELECTION, AND THE SUCCESSOR QUALIFIES
30 AND TAKES OFFICE. However, if, in the case of the Treasurer, from the evidence taken
31 under oath in the hearing before the Governor, the allegations are sustained, it is the
32 duty of the Governor to remove the Treasurer, and the deputy treasurer shall act as
33 Treasurer until the next regular or extraordinary session of the Legislature following
34 the appointment, whereupon a successor shall be chosen by the Legislature who shall
35 serve for the unexpired term of the Treasurer so removed.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
37 determines that the amendment to the Constitution of Maryland proposed by this Act
38 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
39 Constitution concerning local approval of constitutional amendments do not apply.

40 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
41 proposed as an amendment to the Constitution of Maryland shall be submitted to the
42 legal and qualified voters of this State at the next general election to be held in
43 November, 2000 for their adoption or rejection in pursuance of directions contained in
44 Article XIV of the Constitution of this State. At that general election, the vote on this
45 proposed amendment to the Constitution shall be by ballot, and upon each ballot

1 there shall be printed the words "For the Constitutional Amendments" and "Against
2 the Constitutional Amendments," as now provided by law. Immediately after the
3 election, all returns shall be made to the Governor of the vote for and against the
4 proposed amendment, as directed by Article XIV of the Constitution, and further
5 proceedings had in accordance with Article XIV.