

HOUSE BILL 1154
CONSTITUTIONAL AMENDMENT

Unofficial Copy
B1

2003 Regular Session
3r2370

By: **Delegates McMillan, Amedori, Boschert, Dwyer, Frank, Kelly,
McConkey, O'Donnell, and Parker**

Introduced and read first time: March 3, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Budget - Limits on Growth of Spending - Taxpayer Protection Act**

3 FOR the purpose of limiting the increase in appropriations in a fiscal year to no more
4 than the sum of the percentage increase in State population and the inflation
5 rate; requiring the Governor to comply with the limit, subject to certain
6 exceptions; requiring the General Assembly to comply with the limit, subject to
7 certain exceptions; requiring a certain unappropriated surplus to be
8 appropriated to a certain fund or returned to individuals liable for individual
9 income taxes in a certain year, subject to certain exceptions; submitting this
10 amendment to the qualified voters of the State of Maryland for their adoption or
11 rejection; and generally relating to the State budget.

12 BY proposing an addition to the Constitution of Maryland
13 Article III - Legislative Department
14 Section 52(5b)

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

18 **Article III - Legislative Department**

19 52.

20 (5B) (A) BEGINNING WITH THE FISCAL YEAR THAT STARTS JULY 1, 2006, THE
21 TOTAL APPROPRIATIONS, EXCLUDING FEDERAL FUNDS AND SPECIAL FUNDS, IN THE
22 STATE BUDGET FOR A FISCAL YEAR MAY NOT EXCEED THE TOTAL APPROPRIATIONS
23 IN THE PRECEDING FISCAL YEAR BY MORE THAN THE SUM OF THE PERCENTAGE
24 GROWTH IN THE STATE'S POPULATION AND THE ANNUAL RATE OF INFLATION IN THE
25 PRIOR CALENDAR YEAR, AS DEFINED BY PUBLIC GENERAL LAW. THE GOVERNOR
26 SHALL COMPLY WITH THE LIMIT IN SUBMITTING THE BUDGET BILL. THE GOVERNOR
27 MAY SUBMIT AMENDMENTS AND SUPPLEMENTS TO THE BUDGET BILL THAT EXCEED
28 THE LIMIT. UNLESS THE BUDGET BILL IS APPROVED BY A VOTE SUPPORTED BY
29 THREE-FIFTHS OF ALL THE MEMBERS ELECTED TO EACH OF THE TWO HOUSES OF
30 THE GENERAL ASSEMBLY, THE GENERAL ASSEMBLY SHALL COMPLY WITH THE LIMIT

1 IN ENACTING THE BUDGET BILL, INCLUDING AMENDMENTS, SUPPLEMENTS, AND
2 SUPPLEMENTARY APPROPRIATION BILLS.

3 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN THE
4 FISCAL YEAR THAT STARTS JULY 1, 2006, AND IN EACH SUBSEQUENT FISCAL YEAR,
5 AN AMOUNT EQUIVALENT TO THE AMOUNT OF ANY UNAPPROPRIATED SURPLUS IN
6 THE GENERAL FUND OF THE STATE AT THE CLOSE OF THE FISCAL YEAR SHALL BE:

7 (1) INCLUDED BY THE GOVERNOR AS AN APPROPRIATION, TO A
8 REVENUE STABILIZATION FUND; OR

9 (2) RETURNED TO INDIVIDUALS WHO WERE LIABLE FOR
10 INDIVIDUAL INCOME TAXES DURING THE TAX YEAR WHICH ENDED IN THE FISCAL
11 YEAR IN WHICH THE REVENUE WAS COLLECTED, AS PROVIDED BY PUBLIC GENERAL
12 LAW.

13 (C) IN THE FISCAL YEAR THAT STARTS JULY 1, 2006, AND IN EACH
14 SUBSEQUENT FISCAL YEAR, IF THE MONEY IN A REVENUE STABILIZATION FUND,
15 ESTABLISHED BY PUBLIC GENERAL LAW, MEETS OR EXCEEDS ITS MINIMUM
16 BALANCE, AS ESTABLISHED BY PUBLIC GENERAL LAW, AN AMOUNT LESS THAN OR
17 EQUAL TO ONE PERCENT OF THE FISCAL YEAR SPENDING LIMIT ESTABLISHED
18 UNDER SUBSECTION (A) OF THIS SECTION MAY REMAIN IN THE GENERAL FUND OF
19 THE STATE, WITH THE APPROVAL OF THE GENERAL ASSEMBLY. AN AMOUNT
20 EQUIVALENT TO THE AMOUNT OF ANY UNAPPROPRIATED SURPLUS IN THE GENERAL
21 FUND OF THE STATE AT THE CLOSE OF THE FISCAL YEAR THAT DOES NOT REMAIN IN
22 THE GENERAL FUND UNDER THIS SUBSECTION SHALL BE RETURNED TO
23 INDIVIDUALS AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION.

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
29 proposed as an amendment to the Constitution of Maryland shall be submitted to the
30 legal and qualified voters of this State at the next general election to be held in
31 November, 2004 for their adoption or rejection in pursuance of directions contained in
32 Article XIV of the Constitution of this State. At that general election, the vote on this
33 proposed amendment to the Constitution shall be by ballot, and upon each ballot
34 there shall be printed the words "For the Constitutional Amendment" and "Against
35 the Constitutional Amendment," as now provided by law. Immediately after the
36 election, all returns shall be made to the Governor of the vote for and against the
37 proposed amendment, as directed by Article XIV of the Constitution, and further
38 proceedings had in accordance with Article XIV.