

HOUSE BILL 1130
CONSTITUTIONAL AMENDMENT

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Q7

2004 Regular Session
4r2846
CF 4r1847

By: **Delegates McMillan, Aumann, Boschert, Cluster, Costa, Dwyer, Frank, Gilleland, Impallaria, Kach, Leopold, McDonough, Miller, Parker, Smigiel, Sossi, and Trueschler**

Introduced and read first time: February 13, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Taxpayers' Bill of Rights**

3 FOR the purpose of proposing an amendment to the Maryland Constitution that
4 establishes a certain Bill of Rights for individual income taxpayers in the State;
5 requiring certain voter approval for new taxes, tax rate increases, and repeal of
6 tax exemptions; imposing certain spending limits on the State and local
7 governing bodies; requiring that certain revenues received in excess of certain
8 estimates be paid to individual income taxpayers; and submitting this
9 amendment to the qualified voters of the State of Maryland for their adoption or
10 rejection.

11 BY proposing an amendment to the Maryland Constitution
12 Declaration of Rights
13 Article 15

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 Maryland Constitution read as follows:

17 **Declaration of Rights**

18 Article 15.

19 (A) That the levying of taxes by the poll is grievous and oppressive and ought
20 to be prohibited; that paupers ought not to be assessed for the support of the
21 government; that the General Assembly shall, by uniform rules, provide for the
22 separate assessment, classification and sub-classification of land, improvements on
23 land and personal property, as it may deem proper; and all taxes thereafter provided
24 to be levied by the State for the support of the general State Government, and by the
25 Counties and by the City of Baltimore for their respective purposes, shall be uniform
26 within each class or sub-class of land, improvements on land and personal property
27 which the respective taxing powers may have directed to be subjected to the tax levy;
28 yet fines, duties or taxes may properly and justly be imposed, or laid with a political
29 view for the good government and benefit of the community.

1 (B) THAT A MAJORITY OF THE QUALIFIED VOTERS OF THE STATE, COUNTIES,
2 OR THE CITY OF BALTIMORE SHALL APPROVE, IN ADVANCE, ANY NEW STATE OR
3 LOCAL TAX, TAX RATE INCREASE, OR REPEAL OF A TAX EXEMPTION.

4 (C) (1) THAT THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN STATE
5 FISCAL YEAR SPENDING SHALL EQUAL INFLATION PLUS THE PERCENTAGE CHANGE
6 IN STATE POPULATION IN THE PRIOR CALENDAR YEAR, ADJUSTED FOR REVENUE
7 CHANGES APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS OF THE STATE;
8 POPULATION SHALL BE DETERMINED BY THE U. S. CENSUS BUREAU; AND INFLATION
9 SHALL BE DETERMINED BY USING THE CONSUMER PRICE INDEX FOR THE
10 WASHINGTON-BALTIMORE METROPOLITAN AREA, AS COMPUTED BY THE UNITED
11 STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS.

12 (2) THAT THE MAXIMUM ANNUAL PERCENTAGE CHANGE IN THE
13 COUNTIES' OR THE CITY OF BALTIMORE'S FISCAL YEAR SPENDING SHALL EQUAL
14 INFLATION IN THE PRIOR CALENDAR YEAR PLUS ANNUAL LOCAL GROWTH,
15 ADJUSTED FOR REVENUE CHANGES APPROVED BY A MAJORITY OF THE QUALIFIED
16 VOTERS IN THE COUNTIES OR THE CITY OF BALTIMORE; AND INFLATION SHALL BE
17 DETERMINED BY USING THE CONSUMER PRICE INDEX FOR THE
18 WASHINGTON-BALTIMORE METROPOLITAN AREA, AS COMPUTED BY THE UNITED
19 STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS.

20 (D) THAT THE STATE SHALL MAINTAIN A RAINY DAY FUND EQUAL TO 5% OF
21 GENERAL FUND EXPENDITURES; USE OF THE MONEY IN THE RAINY DAY FUND IS
22 PERMISSIBLE ONLY WHEN THE GENERAL FUND REVENUES ARE LESS THAN THE
23 PRIOR YEAR'S GENERAL FUND REVENUES AND WHEN APPROVED BY A 3/4 MAJORITY
24 VOTE IN EACH HOUSE OF THE GENERAL ASSEMBLY.

25 (E) THAT, IF THE REVENUES RECEIVED FROM STATE GENERAL FUND
26 REVENUE SOURCES DURING THE FISCAL YEAR EXCEED THE AMOUNTS ESTIMATED
27 TO BE RECEIVED FOR THE FISCAL YEAR, AS ESTIMATED AFTER ADJOURNMENT SINE
28 DIE OF THE REGULAR SESSION AT WHICH THE BUDGET FOR THE FISCAL YEAR WAS
29 PASSED, BY 2% OR MORE, THE TOTAL AMOUNT OF THAT EXCESS, REDUCED BY THE
30 COST OF ADMINISTERING THE PAYMENTS REQUIRED UNDER THIS SUBSECTION,
31 SHALL BE PAID TO INDIVIDUAL INCOME TAXPAYERS.

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

37 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
38 proposed as an amendment to the Maryland Constitution shall be submitted to the
39 legal and qualified voters of this State at the next general election to be held in
40 November, 2004 for their adoption or rejection in pursuance of directions contained in
41 Article XIV of the Maryland Constitution. At that general election, the vote on this
42 proposed amendment to the Constitution shall be by ballot, and upon each ballot
43 there shall be printed the words "For the Constitutional Amendment" and "Against

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