

**HOUSE BILL 1176**  
CONSTITUTIONAL AMENDMENT

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P5

2004 Regular Session  
4r0743

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By: **Delegates McMillan, Boteler, Cluster, Dwyer, Eckardt, Edwards,  
Elmore, Impallaria, Jennings, Kach, Krebs, Leopold, McComas, Miller,  
Parrott, Smigiel, Sossi, Trueschler, and Weldon**

Introduced and read first time: February 13, 2004

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly Pay Raise and Compensation Accountability Act**

3 FOR the purpose of requiring the resolution submitted by the General Assembly  
4 Compensation Commission containing the Commission's recommendations for  
5 the pay, benefits, and other allowances for the members of the General Assembly  
6 to be approved by a majority vote of the elected members of the Senate and  
7 House of Delegates by a roll call vote; requiring that any reductions or the  
8 rejection of any item in the Commission's recommendations be approved by a  
9 majority vote of the elected members of the Senate and House of Delegates by a  
10 roll call vote; generally relating to the pay, benefits, and other allowances for the  
11 members of the General Assembly; and submitting this amendment to the  
12 qualified voters of the State of Maryland for their adoption or rejection.

13 BY proposing an amendment to the Maryland Constitution  
14 Article III - Legislative Department  
15 Section 15

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

19 **Article III - Legislative Department**

20 15.

21 (1) The General Assembly may continue its session so long as in its judgment  
22 the public interest may require, for a period not longer than ninety days in each year.  
23 The ninety days shall be consecutive unless otherwise provided by law. The General  
24 Assembly may extend its session beyond ninety days, but not exceeding an additional  
25 thirty days, by resolution concurred in by a three-fifths vote of the membership in  
26 each House. When the General Assembly is convened by Proclamation of the  
27 Governor, the session shall not continue longer than thirty days, but no additional  
28 compensation other than mileage and other allowances provided by law shall be paid  
29 members of the General Assembly for special session.

1 (2) Any compensation and allowances paid to members of the General  
2 Assembly shall be as established by a commission known as the General Assembly  
3 Compensation Commission. The Commission shall consist of nine members, five of  
4 whom shall be appointed by the Governor, two of whom shall be appointed by the  
5 President of the Senate, and two of whom shall be appointed by the Speaker of the  
6 House of Delegates. Members of the General Assembly and officers and employees of  
7 the Government of the State of Maryland or of any county, city, or other governmental  
8 unit of the State shall not be eligible for appointment to the Commission. Members of  
9 the Commission shall be appointed for terms of four years commencing on June 1 of  
10 each gubernatorial election year. Members of the Commission are eligible for  
11 re-appointment. Any member of the Commission may be removed by the Governor  
12 prior to the expiration of his term for official misconduct, incompetence, or neglect of  
13 duty. The members shall serve without compensation but shall be reimbursed for  
14 expenses incurred in carrying out their responsibilities under this section. Decisions  
15 of the Commission must be concurred in by at least five members.

16 (3) Within 15 days after the beginning of the regular session of the General  
17 Assembly in 1974 and within 15 days after the beginning of the regular session in  
18 each fourth year thereafter, the GENERAL ASSEMBLY COMPENSATION Commission by  
19 formal resolution shall submit its [determinations for compensation and]  
20 RECOMMENDATIONS FOR PAY, BENEFITS, AND ANY OTHER allowances to the General  
21 Assembly. The General Assembly may reduce or reject, but shall not increase any  
22 item in the resolution. The [resolution, with any reductions that shall have been  
23 concurred in by joint resolution of the General Assembly,] RESOLUTION shall take  
24 effect ONLY AFTER IT HAS BEEN APPROVED BY A MAJORITY OF THE ELECTED  
25 MEMBERS OF THE SENATE BY A ROLL CALL VOTE AND A MAJORITY OF THE ELECTED  
26 MEMBERS OF THE HOUSE OF DELEGATES BY A ROLL CALL VOTE DURING THE  
27 SESSION IN WHICH THE RESOLUTION IS SUBMITTED TO THE GENERAL ASSEMBLY  
28 and SHALL have the force of law as of the beginning of the term of office of the next  
29 General Assembly. THE GENERAL ASSEMBLY MAY REDUCE OR REJECT ANY ITEM IN  
30 THE RESOLUTION SUBMITTED BY THE COMMISSION BY AN AMENDMENT OR  
31 AMENDMENTS THAT SHALL HAVE BEEN APPROVED BY A MAJORITY OF THE ELECTED  
32 MEMBERS OF THE SENATE BY A ROLL CALL VOTE AND A MAJORITY OF THE ELECTED  
33 MEMBERS OF THE HOUSE OF DELEGATES BY A ROLL CALL VOTE. Rates of  
34 compensation and pensions shall be uniform for all members of the General Assembly,  
35 except that the officers of the Senate and the House of Delegates may receive higher  
36 compensation as determined by the General Assembly Compensation Commission.  
37 The provisions of the Compensation Commission resolution shall continue in force  
38 until superseded by any succeeding resolution.

39 (4) In no event shall the compensation and allowances be less than they were  
40 prior to the establishment of the Compensation Commission.

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
2 proposed as an amendment to the Maryland Constitution shall be submitted to the  
3 legal and qualified voters of this State at the next general election to be held in  
4 November, 2004 for their adoption or rejection in pursuance of directions contained in  
5 Article XIV of the Maryland Constitution. At that general election, the vote on this  
6 proposed amendment to the Constitution shall be by ballot, and upon each ballot  
7 there shall be printed the words "For the Constitutional Amendment" and "Against  
8 the Constitutional Amendment," as now provided by law. Immediately after the  
9 election, all returns shall be made to the Governor of the vote for and against the  
10 proposed amendment, as directed by Article XIV of the Maryland Constitution, and  
11 further proceedings had in accordance with Article XIV.