

HOUSE BILL 60

B1

CONSTITUTIONAL AMENDMENT

8lr4618

By: **Delegate George**

Introduced and read first time: November 1, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Operating Budget – Forecasted Deficit – Spending Limits**

3 FOR the purpose of proposing an amendment to the Maryland Constitution that
4 imposes certain limits on General Fund appropriations in the State Budget
5 under certain circumstances; and submitting this amendment to the qualified
6 voters of the State of Maryland for their adoption or rejection.

7 BY proposing an amendment to the Maryland Constitution
8 Article III – Legislative Department
9 Section 52(4)

10 BY proposing an addition to the Maryland Constitution
11 Article III – Legislative Department
12 Section 53

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

16 **Article III – Legislative Department**

17 52.

18 (4) [Each] **EACH BUDGET SHALL EMBRACE THE LIMITATIONS**
19 **PRESCRIBED UNDER SECTION 53 OF ARTICLE III OF THE CONSTITUTION.**
20 **ADDITIONALLY, EACH** Budget shall embrace an estimate of all appropriations in
21 such form and detail as the Governor shall determine or as may be prescribed by law,
22 as follows: (a) for the General Assembly as certified to the Governor in the manner
23 hereinafter provided; (b) for the Executive Department; (c) for the Judiciary
24 Department, as provided by law, as certified to the Governor; (d) to pay and discharge
25 the principal and interest of the debt of the State in conformity with Section 34 of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article III of the Constitution, and all laws enacted in pursuance thereof; (e) for the
2 salaries payable by the State and under the Constitution and laws of the State; (f) for the
3 establishment and maintenance throughout the State of a thorough and efficient
4 system of public schools in conformity with Article 8 of the Constitution and with the
5 laws of the State; and (g) for such other purposes as are set forth in the Constitution or
6 laws of the State.

7 **53.**

8 (A) (1) ON OR BEFORE DECEMBER 1 OF EACH YEAR BEGINNING IN
9 CALENDAR YEAR 2008, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL
10 PREPARE A FORECAST THAT COMPARES ONGOING GENERAL FUND
11 APPROPRIATIONS WITH ONGOING GENERAL FUND REVENUES FOR THE
12 CURRENT FISCAL YEAR AND 5 SUBSEQUENT FISCAL YEARS. ONGOING GENERAL
13 FUND APPROPRIATIONS AND ONGOING GENERAL FUND REVENUES SHALL BE
14 DEFINED BY THE DEPARTMENT OF LEGISLATIVE SERVICES.

15 (2) IF THE FORECAST FOR THE NEXT FISCAL YEAR INDICATES
16 THAT ONGOING GENERAL FUND APPROPRIATIONS EXCEED ONGOING GENERAL
17 FUND REVENUES BY MORE THAN 5% OF ONGOING GENERAL FUND REVENUES,
18 THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL DECLARE A FORECASTED
19 STRUCTURAL DEFICIT FOR THE NEXT FISCAL YEAR.

20 (B) IF THE FORECAST GIVEN IN A CURRENT FISCAL YEAR INDICATES A
21 FORECASTED STRUCTURAL DEFICIT FOR THE NEXT FISCAL YEAR, THE BUDGET
22 SUBMITTED BY THE GOVERNOR IN JANUARY FOR THE NEXT FISCAL YEAR MUST
23 LIMIT GENERAL FUND APPROPRIATIONS SO THAT THE TOTAL GENERAL FUND
24 APPROPRIATION FOR THE NEXT FISCAL YEAR MAY NOT EXCEED THE CURRENT
25 FISCAL YEAR GENERAL FUND APPROPRIATIONS BY MORE THAN 3%.

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
32 proposed as an amendment to the Maryland Constitution shall be submitted to the
33 legal and qualified voters of this State at the next general election to be held in
34 November, 2008 for their adoption or rejection pursuant to Article XIV of the
35 Maryland Constitution. At that general election, the vote on this proposed amendment
36 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
37 words "For the Constitutional Amendment" and "Against the Constitutional
38 Amendment," as now provided by law. Immediately after the election, all returns shall
39 be made to the Governor of the vote for and against the proposed amendment, as

1 directed by Article XIV of the Maryland Constitution, and further proceedings had in
2 accordance with Article XIV.