

# SENATE BILL 25

P5

CONSTITUTIONAL AMENDMENT  
(PRE-FILED)

8lr0455

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By: **Senator Simonaire**

Requested: August 2, 2007

Introduced and read first time: January 9, 2008

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – General Assembly – Legislative Salaries**

3 FOR the purpose of authorizing the General Assembly at anytime to supersede a  
4 formal resolution of the General Assembly Compensation Commission or a joint  
5 resolution passed by the General Assembly that supersedes an item in a formal  
6 resolution of the Commission; prohibiting a joint resolution passed by the  
7 General Assembly that supersedes a resolution of the Commission or a joint  
8 resolution passed by the General Assembly that supersedes an item in a formal  
9 resolution of the Commission from increasing an item or provision that  
10 establishes certain compensation and allowances; and submitting this  
11 amendment to the qualified voters of the State of Maryland for their adoption or  
12 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)] (A) The General Assembly may continue its session so long as in its  
22 judgment the public interest may require, for a period not longer than ninety days in  
23 each year. The ninety days shall be consecutive unless otherwise provided by law. The  
24 General Assembly may extend its session beyond ninety days, but not exceeding an  
25 additional thirty days, by resolution concurred in by a three-fifths vote of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 membership in each House. When the General Assembly is convened by Proclamation  
2 of the Governor, the session shall not continue longer than thirty days, but no  
3 additional compensation other than mileage and other allowances provided by law  
4 shall be paid members of the General Assembly for special session.

5 [(2)] (B) (1) Any compensation and allowances paid to members of the  
6 General Assembly shall be as established by a commission known as the General  
7 Assembly Compensation Commission **OR, SUBJECT TO PARAGRAPH (4) OF THIS**  
8 **SUBSECTION, AS SUPERSEDED BY ANOTHER JOINT RESOLUTION PASSED BY THE**  
9 **GENERAL ASSEMBLY.**

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

23 (3) Within 15 days after the beginning of the regular session of the  
24 General Assembly in 1974 and within 15 days after the beginning of the regular  
25 session in each fourth year thereafter, the Commission by formal resolution shall  
26 submit its determinations for compensation and allowances to the General Assembly.  
27 The General Assembly may reduce or reject, but shall not increase any item in the  
28 resolution. The resolution, with any reductions that shall have been concurred in by  
29 joint resolution of the General Assembly, shall take effect and have the force of law as  
30 of the beginning of the term of office of the next General Assembly. Rates of  
31 compensation and pensions shall be uniform for all members of the General Assembly,  
32 except that the officers of the Senate and the House of Delegates may receive higher  
33 compensation as determined by the General Assembly Compensation Commission.  
34 The provisions of the Compensation Commission resolution shall continue in force  
35 until superseded by any succeeding resolution **OF THE COMMISSION OR OTHER**  
36 **JOINT RESOLUTION OF THE GENERAL ASSEMBLY.**

37 (4) **SUBJECT TO PARAGRAPHS (5) AND (6) OF THIS SUBSECTION,**  
38 **THE GENERAL ASSEMBLY MAY SUPERSEDE AT ANY TIME BY ENACTMENT OF A**  
39 **JOINT RESOLUTION:**

40 (I) **AN ITEM IN A FORMAL RESOLUTION OF THE**  
41 **COMMISSION; OR**

1                   **(II) A PROVISION OF A JOINT RESOLUTION THAT**  
2 **SUPERSEDES AN ITEM IN A FORMAL RESOLUTION OF THE COMMISSION.**

3                   **(5) A JOINT RESOLUTION ADOPTED UNDER PARAGRAPH (4) OF**  
4 **THIS SUBSECTION MAY REDUCE, BUT NOT INCREASE, AN ITEM IN THE**  
5 **RESOLUTION OF THE COMMISSION OR A PROVISION IN A JOINT RESOLUTION**  
6 **SUPERSEDING AN ITEM IN A FORMAL RESOLUTION OF THE COMMISSION.**

7                   **[(4)] (6)** In no event shall the compensation and allowances be less  
8 than they were prior to the establishment of the Compensation Commission.

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

14                   SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
15 proposed as an amendment to the Maryland Constitution shall be submitted to the  
16 legal and qualified voters of this State at the next general election to be held in  
17 November, 2008 for their adoption or rejection pursuant to Article XIV of the  
18 Maryland Constitution. At that general election, the vote on this proposed amendment  
19 to the Constitution shall be by ballot, and upon each ballot there shall be printed the  
20 words "For the Constitutional Amendment" and "Against the Constitutional  
21 Amendment," as now provided by law. Immediately after the election, all returns shall  
22 be made to the Governor of the vote for and against the proposed amendment, as  
23 directed by Article XIV of the Maryland Constitution, and further proceedings had in  
24 accordance with Article XIV.