

SENATE BILL 495

P5

CONSTITUTIONAL AMENDMENT

9lr2349

By: **Senator Simonaire**

Introduced and read first time: February 4, 2009

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Legislative Furlough Enabling Act**

3 FOR the purpose of authorizing the General Assembly, for any fiscal year, to
4 supersede a formal resolution of the General Assembly Compensation
5 Commission or a joint resolution passed by the General Assembly that
6 supersedes an item in a formal resolution of the Commission, and reduce the
7 compensation and allowances for a member of the General Assembly;
8 prohibiting a joint resolution passed by the General Assembly that supersedes a
9 resolution of the Commission or a joint resolution passed by the General
10 Assembly that supersedes an item in a formal resolution of the Commission
11 from increasing an item or provision that establishes certain compensation and
12 allowances; authorizing the General Assembly to alter the salaries of members
13 of the General Assembly at certain times; providing that the compensation for a
14 member of the General Assembly reverts to a certain status at the end of a
15 certain period; and submitting this amendment to the qualified voters of the
16 State of Maryland for their adoption or rejection.

17 BY proposing an amendment to the Maryland Constitution
18 Article III – Legislative Department
19 Section 15 and 35

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

23 **Article III – Legislative Department**

24 15.

25 [(1)] (A) The General Assembly may continue its session so long as in its
26 judgment the public interest may require, for a period not longer than ninety days in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 each year. The ninety days shall be consecutive unless otherwise provided by law. The
2 General Assembly may extend its session beyond ninety days, but not exceeding an
3 additional thirty days, by resolution concurred in by a three-fifths vote of the
4 membership in each House. When the General Assembly is convened by Proclamation
5 of the Governor, the session shall not continue longer than thirty days, but no
6 additional compensation other than mileage and other allowances provided by law
7 shall be paid members of the General Assembly for special session.

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

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

26 (3) Within 15 days after the beginning of the regular session of the
27 General Assembly in 1974 and within 15 days after the beginning of the regular
28 session in each fourth year thereafter, the Commission by formal resolution shall
29 submit its determinations for compensation and allowances to the General Assembly.
30 The General Assembly may reduce or reject, but shall not increase any item in the
31 resolution. The resolution, with any reductions that shall have been concurred in by
32 joint resolution of the General Assembly, shall take effect and have the force of law as
33 of the beginning of the term of office of the next General Assembly. 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 **OF THE COMMISSION OR OTHER**
39 **JOINT RESOLUTION OF THE GENERAL ASSEMBLY.**

40 (4) **SUBJECT TO PARAGRAPHS (5) AND (6) OF THIS SUBSECTION,**
41 **FOR ANY FISCAL YEAR THE GENERAL ASSEMBLY MAY SUPERSEDE BY**
42 **ENACTMENT OF A JOINT RESOLUTION:**

1 (I) AN ITEM IN A FORMAL RESOLUTION OF THE
2 COMMISSION; OR

3 (II) A PROVISION OF A JOINT RESOLUTION THAT
4 SUPERSEDES AN ITEM IN A FORMAL RESOLUTION OF THE COMMISSION.

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

9 (II) IF, FOR ANY FISCAL YEAR, THE GENERAL ASSEMBLY
10 REDUCES AN ITEM IN THE RESOLUTION OF THE COMMISSION OR A PROVISION
11 IN A JOINT RESOLUTION SUPERSEDING AN ITEM IN A FORMAL RESOLUTION OF
12 THE COMMISSION, THE ITEM OR THE PROVISION, AS APPROPRIATE, SHALL
13 REVERT TO ITS ORIGINAL STATUS AT THE COMMENCEMENT OF THE NEXT
14 SUCCEEDING FISCAL YEAR.

15 [(4)] (6) In no event shall the compensation and allowances be less
16 than they were prior to the establishment of the Compensation Commission.

17 35.

18 Extra compensation may not be granted or allowed by the General Assembly to
19 any public Officer, Agent, Servant or Contractor, after the service has been rendered,
20 or the contract entered into; nor may the salary or compensation of any public officer
21 be increased or diminished during his term of office except those whose full term of
22 office is fixed by law in excess of 4 years **AND MEMBERS OF THE GENERAL**
23 **ASSEMBLY UNDER SECTION 15 OF THIS ARTICLE.** However, after January 1, 1956,
24 for services rendered after that date, the salary or compensation of any appointed
25 public officer of the Mayor and City Council of Baltimore may be increased or
26 diminished at any time during his term of office; except that as to officers in the
27 Classified City Service, when the salary of any appointed public officer of the Mayor
28 and City Council of Baltimore however, increased or decreased, it may not again be
29 increased or decreased, as the case may be, during the term of such public officer.

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

35 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
36 proposed as an amendment to the Maryland Constitution shall be submitted to the
37 legal and qualified voters of this State at the next general election to be held in
38 November, 2010 for their adoption or rejection pursuant to Article XIV of the

1 Maryland Constitution. At that general election, the vote on this proposed amendment
2 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
3 words "For the Constitutional Amendment" and "Against the Constitutional
4 Amendment," as now provided by law. Immediately after the election, all returns shall
5 be made to the Governor of the vote for and against the proposed amendment, as
6 directed by Article XIV of the Maryland Constitution, and further proceedings had in
7 accordance with Article XIV.