

SENATE BILL 1116

M1, M3

CONSTITUTIONAL AMENDMENT

4r3413

By: **Senators Simonaire, Brinkley, Colburn, Edwards, Getty, Glassman, Hershey, Jacobs, Jennings, Kittleman, Reilly, and Shank**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 20, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake and Atlantic Coastal Bays 2010 Trust Fund – Use of Funds**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 establish a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used
5 only for certain purposes except under certain circumstances; prohibiting the
6 transfer of funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund
7 to the General Fund or a special fund of the State except under certain
8 circumstances; providing that this amendment does not apply to the allocation
9 or use of certain funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust
10 Fund for counties, municipalities, or Baltimore City or to a transfer of certain
11 funds to the BayStat Subcabinet agencies, in accordance with law; authorizing
12 funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used
13 for a purpose not related to the Chesapeake and Atlantic Coastal Bays or
14 transferred to the General Fund or a special fund of the State if the Revenue
15 Stabilization Account balance is below a certain amount and the Governor and
16 the General Assembly take certain action; and submitting this amendment to
17 the qualified voters of the State for their adoption or rejection.

18 BY proposing an addition to the Maryland Constitution

19 Article III – Legislative Department

20 Section 53A

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

24 **Article III – Legislative Department**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **53A.**

2 (A) **THERE IS A CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010**
3 **TRUST FUND.**

4 (B) **THE PURPOSE OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**
5 **2010 TRUST FUND IS TO PROVIDE FINANCIAL ASSISTANCE NECESSARY TO**
6 **ADVANCE MARYLAND'S PROGRESS IN MEETING THE GOALS ESTABLISHED IN**
7 **THE CHESAPEAKE 2000 AGREEMENT FOR THE RESTORATION OF THE**
8 **CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER,**
9 **AND TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR**
10 **TRIBUTARIES, BY FOCUSING LIMITED FINANCIAL RESOURCES ON NONPOINT**
11 **SOURCE POLLUTION CONTROL PROJECTS IN ALL REGIONS OF THE STATE.**

12 (C) (1) **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,**
13 **THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND MAY BE**
14 **USED ONLY FOR THE IMPLEMENTATION OF NONPOINT SOURCE POLLUTION**
15 **CONTROL PROJECTS TO ACHIEVE THE STATE'S TRIBUTARY STRATEGY**
16 **DEVELOPED IN ACCORDANCE WITH THE CHESAPEAKE 2000 AGREEMENT AND**
17 **TO IMPROVE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR**
18 **TRIBUTARIES.**

19 (2) **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, WHEN**
20 **POSSIBLE, MONEY IN THE FUND SHALL BE GRANTED TO LOCAL GOVERNMENTS**
21 **AND OTHER POLITICAL SUBDIVISIONS FOR AGRICULTURAL, FORESTRY, STREAM**
22 **AND WETLAND RESTORATION, AND URBAN AND SUBURBAN STORMWATER**
23 **NONPOINT SOURCE POLLUTION CONTROL PROJECTS.**

24 (D) **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, FUNDS**
25 **IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND MAY**
26 **NOT BE TRANSFERRED TO THE GENERAL FUND OR A SPECIAL FUND OF THE**
27 **STATE.**

28 (E) **THIS SECTION DOES NOT APPLY TO:**

29 (1) **AN ALLOCATION OR USE OF FUNDS IN THE CHESAPEAKE AND**
30 **ATLANTIC COASTAL BAYS 2010 TRUST FUND FOR A COUNTY, MUNICIPALITY,**
31 **OR BALTIMORE CITY IN ACCORDANCE WITH TITLE 8, SUBTITLE 2A OF THE**
32 **NATURAL RESOURCES ARTICLE; OR**

33 (2) **A TRANSFER OF FUNDS IN THE CHESAPEAKE AND ATLANTIC**
34 **COASTAL BAYS 2010 TRUST FUND TO THE BAYSTAT SUBCABINET AGENCIES IN**

1 ACCORDANCE WITH TITLE 8, SUBTITLE 2A OF THE NATURAL RESOURCES
2 ARTICLE.

3 (F) FUNDS IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010
4 TRUST FUND MAY BE USED FOR A PURPOSE NOT RELATED TO THE
5 CHESAPEAKE AND ATLANTIC COASTAL BAYS OR TRANSFERRED TO THE
6 GENERAL FUND OR A SPECIAL FUND OF THE STATE IF:

7 (1) THE REVENUE STABILIZATION ACCOUNT BALANCE IS BELOW
8 3% OF THE ESTIMATED GENERAL FUND REVENUES FOR THAT FISCAL YEAR;

9 (2) THE GOVERNOR, BY EXECUTIVE ORDER, DECLARES THAT A
10 FISCAL EMERGENCY EXISTS; AND

11 (3) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED ON A YEA
12 AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED
13 TO EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS WITH
14 THE USE OR TRANSFER OF THE FUNDS.

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
21 proposed as an amendment to the Maryland Constitution shall be submitted to the
22 qualified voters of the State at the next general election to be held in November 2014
23 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
24 At that general election, the vote on this proposed amendment to the Constitution
25 shall be by ballot, and upon each ballot there shall be printed the words "For the
26 Constitutional Amendment" and "Against the Constitutional Amendment," as now
27 provided by law. Immediately after the election, all returns shall be made to the
28 Governor of the vote for and against the proposed amendment, as directed by Article
29 XIV of the Maryland Constitution, and further proceedings had in accordance with
30 Article XIV.