

HOUSE BILL 517

M3

CONSTITUTIONAL AMENDMENT

0lr1689

By: **Delegates Stewart, Acevero, Boyce, Cardin, Charkoudian, Hettleman, Hill, Korman, Lehman, R. Lewis, Lierman, Moon, Palakovich Carr, Solomon, Stein, Terrasa, Turner, Wells, and P. Young**

Introduced and read first time: January 27, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Environmental Rights**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to establish
4 that every person has the right to a certain clean and healthy environment;
5 specifying that the State’s natural resources are the common property of every
6 person; requiring the State and each political subdivision of the State to serve as
7 trustees of the State’s natural resources and to preserve, conserve, protect, and
8 maintain the State’s natural resources for the benefit of every person, including
9 present and future generations; prohibiting the State or a political subdivision of the
10 State from causing unreasonable diminution of or degradation to the State’s natural
11 resources; prohibiting the State or a political subdivision of the State from infringing
12 on certain rights; establishing that every person has the right to intervene in an
13 action brought by the State or a political subdivision of the State to protect certain
14 rights; authorizing the State, a political subdivision of the State, or any person to
15 enforce certain rights; and submitting this amendment to the qualified voters of the
16 State for their adoption or rejection.

17 BY proposing an addition to the Maryland Constitution

18 Declaration of Rights

19 Article 48

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

23 **Declaration of Rights**

24 **ARTICLE 48.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) EVERY PERSON HAS THE RIGHT TO A CLEAN AND HEALTHY
2 ENVIRONMENT, INCLUDING THE RIGHT TO:

3 (1) CLEAN AIR;

4 (2) PURE WATER;

5 (3) ECOSYSTEMS THAT SUSTAIN THE STATE'S NATURAL RESOURCES
6 INCLUDING THE WATERS OF THE STATE, AIR, FLORA, FAUNA, CLIMATE, AND PUBLIC
7 LANDS; AND

8 (4) THE PRESERVATION OF THE NATURAL, HEALTHFUL, SCENIC, AND
9 HISTORIC VALUES OF THE ENVIRONMENT.

10 (B) THE STATE'S NATURAL RESOURCES ARE THE COMMON PROPERTY OF
11 EVERY PERSON.

12 (C) THE STATE AND EACH POLITICAL SUBDIVISION OF THE STATE SHALL:

13 (1) SERVE AS TRUSTEES OF THE STATE'S NATURAL RESOURCES; AND

14 (2) PRESERVE, CONSERVE, PROTECT, AND MAINTAIN THE STATE'S
15 NATURAL RESOURCES FOR THE BENEFIT OF EVERY PERSON, INCLUDING PRESENT
16 AND FUTURE GENERATIONS.

17 (D) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT:

18 (1) CAUSE UNREASONABLE DIMINUTION OF, OR DEGRADATION TO,
19 THE STATE'S NATURAL RESOURCES BY ACTION OR INACTION; OR

20 (2) INFRINGE ON THE RIGHTS ENUMERATED UNDER SECTION (A) OF
21 THIS ARTICLE BY ACTION OR INACTION.

22 (E) EVERY PERSON HAS THE RIGHT TO INTERVENE IN AN ACTION BROUGHT
23 BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO PROTECT THE
24 RIGHTS ENUMERATED UNDER SECTION (A) OF THIS ARTICLE.

25 (F) THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR ANY PERSON
26 MAY ENFORCE THE RIGHTS ENUMERATED UNDER SECTION (A) OF THIS ARTICLE
27 AGAINST ANY PUBLIC PARTY THROUGH APPROPRIATE LEGAL PROCEEDINGS.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
29 determines that the amendment to the Maryland Constitution proposed by Section 1 of this

1 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
2 Constitution concerning local approval of constitutional amendments do not apply.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
4 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
5 voters of the State at the next general election to be held in November 2020 for adoption or
6 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
7 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
8 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
9 the Constitutional Amendment”, as now provided by law. Immediately after the election,
10 all returns shall be made to the Governor of the vote for and against the proposed
11 amendment, as directed by Article XIV of the Maryland Constitution, and further
12 proceedings had in accordance with Article XIV.