

SENATE BILL 366

M1, M3
SB 45/16 – EHE & B&T

CONSTITUTIONAL AMENDMENT

2lr2055

By: **Senator Simonaire**

Introduced and read first time: January 21, 2022

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake and Atlantic Coastal Bays 2010 Trust Fund – Use of Funds**
3 **(Chesapeake Bay Lockbox Protection Act of 2022)**

4 FOR the purpose of establishing a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund
5 to provide financial resources for certain nonpoint source pollution control projects
6 in the State; and prohibiting the transfer of funds in the Chesapeake and Atlantic
7 Coastal Bays 2010 Trust Fund to the General Fund or a special fund of the State
8 except under certain circumstances.

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

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

15 **Article III – Legislative Department**

16 **53A.**

17 **(A) THERE IS A CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST**
18 **FUND.**

19 **(B) THE PURPOSE OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**
20 **2010 TRUST FUND IS TO PROVIDE FINANCIAL ASSISTANCE NECESSARY TO ADVANCE**
21 **MARYLAND’S PROGRESS IN MEETING THE GOALS ESTABLISHED IN THE 2014**
22 **CHESAPEAKE BAY WATERSHED AGREEMENT FOR THE RESTORATION OF THE**
23 **CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER, AND**
24 **TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **TRIBUTARIES BY FOCUSING LIMITED FINANCIAL RESOURCES ON NONPOINT SOURCE**
2 **POLLUTION CONTROL PROJECTS IN ALL REGIONS OF THE STATE.**

3 **(C) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE**
4 **CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND MAY BE USED ONLY**
5 **FOR THE IMPLEMENTATION OF NONPOINT SOURCE POLLUTION CONTROL PROJECTS**
6 **TO COMPLY WITH STATE AND LOCAL WATERSHED IMPLEMENTATION PLANS AND TO**
7 **IMPROVE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES.**

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

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

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

16 **(2) A TRANSFER OF FUNDS IN THE CHESAPEAKE AND ATLANTIC**
17 **COASTAL BAYS 2010 TRUST FUND TO THE BAYSTAT SUBCABINET AGENCIES IN**
18 **ACCORDANCE WITH TITLE 8, SUBTITLE 2A OF THE NATURAL RESOURCES ARTICLE.**

19 **(F) FUNDS IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010**
20 **TRUST FUND MAY BE USED FOR A PURPOSE NOT RELATED TO THE CHESAPEAKE**
21 **AND ATLANTIC COASTAL BAYS OR TRANSFERRED TO THE GENERAL FUND OR A**
22 **SPECIAL FUND OF THE STATE IF:**

23 **(1) THE GOVERNOR, BY EXECUTIVE ORDER, DECLARES THAT A**
24 **FISCAL EMERGENCY EXISTS; AND**

25 **(2) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED ON A YEA**
26 **AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED TO**
27 **EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS WITH THE USE**
28 **OR TRANSFER OF THE FUNDS.**

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

33 **SECTION 3. AND BE IT FURTHER ENACTED,** That the amendment to the Maryland
34 Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the

1 State at the next general election to be held in November 2022 for adoption or rejection
2 pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on the
3 proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be
4 printed the words “For the Constitutional Amendment” and “Against the Constitutional
5 Amendment”, as now provided by law. Immediately after the election, all returns shall be made
6 to the Governor of the vote for and against the proposed amendment, as directed by Article XIV
7 of the Maryland Constitution, and further proceedings had in accordance with Article XIV.