

# CHANNEY

ENTERPRISES

HEARING DATE: JANUARY 26, 2021  
BILL #/TITLE: *SENATE BILL 151 – CONSTITUTIONAL AMENDMENT – ENVIRONMENTAL RIGHTS*  
COMMITTEE: JUDICIAL PROCEEDINGS  
POSITION: *OPPOSE*

Dear Chairman and Committee Members:

Chaney Enterprises is Maryland's largest concrete producer, proudly employing hundreds of Marylanders and providing essential building supply and construction materials throughout Maryland and **opposes Senate Bill 151**.

SB 151 would amend the Maryland Constitution to provide new, expansive, and ambiguous environmental rights to any "person," which would inevitably result in increased litigation as the proposed overly broad and vague language significantly expands the basis for legal standing to bring suit in Maryland. Such an expansion of legal standing would overly burden Maryland's courts, which, in addition to facing a significant backlog of cases due to the COVID-19 pandemic, would now be confronted with adjudicating an untold volume of arbitrary and subjective claims based on the vague language in SB 151.

The bill would also establish the State's natural resources as "common property of every person" and mandate that the State serve as trustee thereto. As trustee, the State would be prohibited from (i) causing unreasonable diminution of, or degradation to, the State's natural resources by action or inaction; or (ii) infringing on any individuals' newly established constitutionally protected environmental rights. As written, the amendment inherently exposes State and local governments, as trustee, to countless legal claims alleging failure to uphold these environmental rights simply by continuing to provide many of the basic and essential public services offered today (*i.e.*, roadway improvements, water and sewer services, trash/recycling collection, planning and zoning, etc.) or by perceived inaction. These unintended consequences and unforeseen costs associated with these claims would arguably result in greater harm to individuals and the environment than without the proposed constitutional amendment.

As it relates to the concrete industry, there are already numerous environmental requirements imposed by local, State, and federal agencies that must be satisfied prior to and maintained during any industry operations. This proposed amendment, by expanding Maryland's legal standing framework, would undermine the reliability of these existing laws, create regulatory uncertainty, and significantly increase the risk of litigation against existing and future projects, in the concrete industry and beyond, throughout Maryland.

This bill, while well-intentioned, raises serious concerns about the continued operations and viability of many essential government services as well as the ability of countless existing and future Maryland businesses to succeed. ***For these reason, Chaney Enterprises respectfully requests your UNFAVORABLE report on Senate Bill 151.***

**For further information, contact:**

Francis (Hall) Chaney, III  
Chief Executive Officer  
hchaney@chaneyenterprises.com

cc: Steven D. Hyatt  
Hyatt & Weber, P.A.  
shyatt@hwlaw.com

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2410 Evergreen Road | Suite 201 | Gambrills, Maryland 21054

WEB [ChaneyEnterprises.com](http://ChaneyEnterprises.com) PHONE 888-424-2639