



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 23, 2022

Committee: House Appropriations

Bill: _____ HB 596 – Constitutional Amendment – Environmental Rights

Position: Oppose

Reason for Position:

The Maryland Municipal League opposes House Bill 596. This bill proposes an amendment to the Maryland Constitution establishing the right of every person to a healthful and sustainable environment that may not be infringed; authorizing the State as the trustee of our state natural resources including air, land, water, wildlife, and ecosystems; and charging the State with conserving, protecting, and enhancing the State's natural resources for everyone's benefit.

While we appreciate the intent behind a statewide value of environmental protection, a constitutional amendment is overreaching and unnecessary, and could be expensive for local governments. Existing laws on the federal, state, and local levels already provide legal avenues for environmental protection. Under the Environmental Standing Act, the Attorney General, a local government, or any person may pursue legal action for mandamus or relief against the State or an agency for its failure to perform a duty decreed in statute or regulation. The Maryland Department of the Environment (MDE) is authorized to bring both criminal and civil suits for statutory and regulatory violations. Local governments are also authorized to bring civil suits for statutory and regulatory violations. Existing local, state, and federal statute law is more than adequate to address land use and environmental conflicts.

Furthermore, the League is concerned that the actions of municipal governing bodies, planning commissions, boards of zoning appeals, and historic district commissions will be more apt to be questioned in a judicial setting. This measure establishes a new cause of action, resulting in more individuals or entities seeking judicial review of land use and environmental actions of a legislative body and/or an increase in the length of time and

resources needed to address individual cases. Municipal finances could be significantly impacted as early as FY 2023.

For these reasons, the Maryland Municipal League opposes HB 595 and respectfully requests an unfavorable committee report.

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