

HOUSE BILL 472

M1, M3

CONSTITUTIONAL AMENDMENT

9lr0953

By: **Delegates Lafferty, Boyce, Cardin, Charkoudian, Hettleman, Korman, R. Lewis, Lierman, Moon, Mosby, Smith, Stein, and Wells**

Introduced and read first time: February 1, 2019

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 the
7 trustee of the State's natural resources and to conserve, protect, and maintain the
8 State's natural resources for the benefit of every person, including present and future
9 generations; prohibiting the State or a political subdivision of the State from causing
10 unreasonable diminution of or degradation to the State's natural resources;
11 prohibiting the State or a political subdivision of the State from infringing on certain
12 rights; authorizing the State, a political subdivision of the State, and any person to
13 enforce certain rights; establishing that every person has the right to intervene in
14 an action brought by the State or a political subdivision of the State to protect certain
15 rights; defining certain terms; and submitting this amendment to the qualified
16 voters of the 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) (1) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "NATURAL RESOURCES" INCLUDES THE WATERS OF THE STATE,
4 AIR, FLORA, FAUNA, CLIMATE, AND PUBLIC LANDS.

5 (3) "PERSON" MEANS ANY RESIDENT OF THE STATE, CORPORATION
6 INCORPORATED UNDER THE LAWS OF THE STATE, OR PARTNERSHIP,
7 ORGANIZATION, ASSOCIATION, OR LEGAL ENTITY DOING BUSINESS IN THE STATE.

8 (4) "WATERS OF THE STATE" HAS THE MEANING STATED IN § 5-101
9 OF THE ENVIRONMENT ARTICLE.

10 (B) EVERY PERSON HAS THE RIGHT TO A CLEAN AND HEALTHY
11 ENVIRONMENT, INCLUDING THE RIGHT TO:

12 (1) CLEAN AIR;

13 (2) PURE WATER;

14 (3) A HEALTHFUL ENVIRONMENT;

15 (4) ECOSYSTEMS THAT SUSTAIN THE STATE'S NATURAL RESOURCES;

16 AND

17 (5) THE PRESERVATION OF THE NATURAL, SCENIC, HISTORIC, AND
18 AESTHETIC VALUES OF THE ENVIRONMENT.

19 (C) THE STATE'S NATURAL RESOURCES ARE THE COMMON PROPERTY OF
20 EVERY PERSON.

21 (D) THE STATE AND EACH POLITICAL SUBDIVISION OF THE STATE SHALL:

22 (1) SERVE AS THE TRUSTEE OF THE STATE'S NATURAL RESOURCES;

23 AND

24 (2) CONSERVE, PROTECT, AND MAINTAIN THE STATE'S NATURAL
25 RESOURCES FOR THE BENEFIT OF EVERY PERSON, INCLUDING PRESENT AND
26 FUTURE GENERATIONS.

27 (E) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT:

28 (1) CAUSE UNREASONABLE DIMINUTION OF OR DEGRADATION TO

1 THE STATE'S NATURAL RESOURCES BY ACTION OR INACTION; OR

2 (2) INFRINGE ON THE RIGHTS ENUMERATED UNDER SECTION (B) OF
3 THIS ARTICLE BY ACTION OR INACTION.

4 (F) THE STATE, A POLITICAL SUBDIVISION OF THE STATE, AND ANY PERSON
5 MAY ENFORCE THE RIGHTS ENUMERATED UNDER SECTION (B) OF THIS ARTICLE
6 AGAINST ANY PUBLIC OR PRIVATE PARTY THROUGH APPROPRIATE LEGAL
7 PROCEEDINGS.

8 (G) EVERY PERSON HAS THE RIGHT TO INTERVENE IN AN ACTION BROUGHT
9 BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO PROTECT THE
10 RIGHTS ENUMERATED UNDER SECTION (B) OF THIS ARTICLE.

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

15 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
16 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
17 voters of the State at the next general election to be held in November 2020 for adoption or
18 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
19 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
20 ballot there shall be printed the words "For the Constitutional Amendment" and "Against
21 the Constitutional Amendment", as now provided by law. Immediately after the election,
22 all returns shall be made to the Governor of the vote for and against the proposed
23 amendment, as directed by Article XIV of the Maryland Constitution, and further
24 proceedings had in accordance with Article XIV.