

SENATE BILL 45

M1, M3
SB 28/15 – EHE

CONSTITUTIONAL AMENDMENT
(PRE-FILED)

6lr0503
CF 6lr0742

By: **Senator Simonaire**

Requested: July 22, 2015

Introduced and read first time: January 13, 2016

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 FOR the purpose of proposing an amendment to the Maryland Constitution to establish a
4 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used only for certain
5 purposes except under certain circumstances; prohibiting the transfer of funds in the
6 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to the General Fund or a
7 special fund of the State except under certain circumstances; providing that this
8 amendment does not apply to the allocation or use of certain funds in the Chesapeake
9 and Atlantic Coastal Bays 2010 Trust Fund for counties, municipalities, or Baltimore
10 City or to a transfer of certain funds to the BayStat Subcabinet agencies, in
11 accordance with law; authorizing funds in the Chesapeake and Atlantic Coastal Bays
12 2010 Trust Fund to be used for a purpose not related to the Chesapeake and Atlantic
13 Coastal Bays or transferred to the General Fund or a special fund of the State if the
14 Governor and the General Assembly take certain action; and submitting this
15 amendment to the qualified voters of the State for their adoption or rejection.

16 BY proposing an addition to the Maryland Constitution
17 Article III – Legislative Department
18 Section 53A

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

22 **Article III – Legislative Department**

23 **53A.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THERE IS A CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST**
2 **FUND.**

3 **(B) THE PURPOSE OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**
4 **2010 TRUST FUND IS TO PROVIDE FINANCIAL ASSISTANCE NECESSARY TO ADVANCE**
5 **MARYLAND'S PROGRESS IN MEETING THE GOALS ESTABLISHED IN THE 2014**
6 **CHESAPEAKE BAY WATERSHED AGREEMENT FOR THE RESTORATION OF THE**
7 **CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER, AND**
8 **TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR**
9 **TRIBUTARIES BY FOCUSING LIMITED FINANCIAL RESOURCES ON NONPOINT SOURCE**
10 **POLLUTION CONTROL PROJECTS IN ALL REGIONS OF THE STATE.**

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

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

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

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

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

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

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

33 **(2) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED ON A YEA**
34 **AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED TO**

1 EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS WITH THE USE
2 OR TRANSFER OF THE FUNDS.

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
8 proposed as an amendment to the Maryland Constitution shall be submitted to the
9 qualified voters of the State at the next general election to be held in November 2016 for
10 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
11 general election, the vote on this proposed amendment to the Constitution shall be by
12 ballot, and upon each ballot there shall be printed the words "For the Constitutional
13 Amendment" and "Against the Constitutional Amendment," as now provided by law.
14 Immediately after the election, all returns shall be made to the Governor of the vote for and
15 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
16 and further proceedings had in accordance with Article XIV.