

# HOUSE BILL 82

M3

CONSTITUTIONAL AMENDMENT  
(PRE-FILED)

1lr1248  
CF SB 151

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By: **Delegates W. Fisher, Barron, and Stewart**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

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## 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 fundamental and inalienable right to a certain healthful  
5 environment; specifying that the State's natural resources are the common property  
6 of every person; specifying that the State is trustee of the State's air, land, water,  
7 living, and historic resources, which shall be protected, preserved, and enhanced for  
8 the benefit of all the people of the State, including future generations; prohibiting  
9 the State or a political subdivision of the State from causing unreasonable  
10 diminution of or degradation to the State's natural resources; prohibiting the State  
11 or a political subdivision of the State from infringing on certain rights; establishing  
12 that every person has the right to intervene in an action brought by the State or a  
13 political subdivision of the State to protect certain rights; authorizing the State, a  
14 political subdivision of the State, or any person to enforce certain rights; and  
15 submitting this amendment to the qualified voters of the State for their adoption or  
16 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.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) EVERY PERSON HAS THE FUNDAMENTAL AND INALIENABLE RIGHT TO A**  
2 **HEALTHFUL ENVIRONMENT, INCLUDING THE RIGHT TO CLEAN AIR, WATER AND**  
3 **LAND, A STABLE CLIMATE, AND THE PRESERVATION, PROTECTION, AND**  
4 **ENHANCEMENT OF ECOLOGICAL, SCENIC, AND HISTORIC VALUES OF THE**  
5 **ENVIRONMENT.**

6           **(B) THE STATE'S NATURAL RESOURCES ARE THE COMMON PROPERTY OF**  
7 **EVERY PERSON.**

8           **(C) THE STATE IS TRUSTEE OF THE AIR, LAND, WATER, LIVING, AND**  
9 **HISTORIC RESOURCES OF THE STATE, WHICH SHALL BE PROTECTED, PRESERVED,**  
10 **AND ENHANCED FOR THE BENEFIT OF ALL OF THE PEOPLE OF THIS STATE,**  
11 **INCLUDING FUTURE GENERATIONS.**

12           **(D) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT:**

13               **(1) CAUSE UNREASONABLE DIMINUTION OF, OR DEGRADATION TO,**  
14 **THE STATE'S NATURAL RESOURCES BY ACTION OR INACTION; OR**

15               **(2) INFRINGE ON THE RIGHTS ENUMERATED UNDER SECTION (A) OF**  
16 **THIS ARTICLE BY ACTION OR INACTION.**

17           **(E) EVERY PERSON HAS THE RIGHT TO INTERVENE IN AN ACTION BROUGHT**  
18 **BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO PROTECT THE**  
19 **RIGHTS ENUMERATED UNDER SECTION (A) OF THIS ARTICLE.**

20           **(F) THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR ANY PERSON**  
21 **MAY ENFORCE THE RIGHTS ENUMERATED UNDER SECTION (A) OF THIS ARTICLE**  
22 **AGAINST ANY PUBLIC PARTY THROUGH APPROPRIATE LEGAL PROCEEDINGS.**

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

27           SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the  
28 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
29 voters of the State at the next general election to be held in November 2022 for adoption or  
30 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
31 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
32 ballot there shall be printed the words "For the Constitutional Amendment" and "Against  
33 the Constitutional Amendment", as now provided by law. Immediately after the election,  
34 all returns shall be made to the Governor of the vote for and against the proposed  
35 amendment, as directed by Article XIV of the Maryland Constitution, and further  
36 proceedings had in accordance with Article XIV.