

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Budget & Taxation Committee



THE SENATE OF MARYLAND
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Senate Bill 558 – Chesapeake Bay Enhancement Program - Established

Dear Chair Guzzone and Members of the Committee,

I am writing to introduce Senate Bill 558. This bill would codify the existing Chesapeake Bay Enhancement Program and ensure that the funds spent as part of this program are used in accordance with the Maryland Constitution.

In 1996, the Maryland Department of Transportation (MDOT) and the Department of Natural Resources (DNR) agreed to the first of what would be a series of memorandums of understanding to dedicate a portion of the Port of Baltimore's revenue to projects that would help replenish Maryland's oyster population. This was done to address the natural and unavoidable effects that construction at the Port and the maintenance of shipping channels would have on oysters in our waterways. The most recent of these agreements was signed in 2022 and continued to dedicate \$2 million from the revenues generated by the Port to oyster recovery each year until Fiscal Year 2026. I believe it is important that the General Assembly codify this Program and make it permanent to provide a level of certainty that these critical funds for oyster recovery will continue that can only be done by placing this program in law.

When I began the process of having this legislation drafted, I was informed that continuing the program in its current form could violate the Maryland Constitution. As you are aware, in 2014, the voters of Maryland approved a constitutional amendment to ensure that funds in the Transportation Trust Fund would be used solely for purposes relating to transportation. Because the revenue that the Port generates for the State goes into the Transportation Trust Fund, it would likely be unconstitutional to continue to appropriate these funds for general oyster recovery programs. For that reason, and after consultation with our Attorney General's office, I have introduced Senate Bill 558 with the intent of ensuring that these funds are used solely for oyster propagation and replenishment projects that mitigate the effects on the state's oyster population of transportation projects that maintain or expand the Port of Baltimore. This narrow focus that links these funds directly to the effects of the Port is intended to ensure that these funds are used in accordance with the Maryland Constitution and make legal challenges that could jeopardize the future of the Program less likely.

I respectfully request a favorable report on Senate Bill 558. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bailey', written over a horizontal line.

Senator Jack Bailey