

# SENATE BILL 28

M1, M3  
SB 1116/14 – SRU

CONSTITUTIONAL AMENDMENT

51r0681  
CF 51r1061

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By: **Senator Simonaire**

Introduced and read first time: January 19, 2015

Assigned to: Education, Health, and Environmental Affairs

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## 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.**

24 **(A) THERE IS A CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST**  
25 **FUND.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) THE PURPOSE OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**  
2 **2010 TRUST FUND IS TO PROVIDE FINANCIAL ASSISTANCE NECESSARY TO ADVANCE**  
3 **MARYLAND'S PROGRESS IN MEETING THE GOALS ESTABLISHED IN THE**  
4 **CHESAPEAKE 2000 AGREEMENT FOR THE RESTORATION OF THE CHESAPEAKE BAY**  
5 **AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER, AND TO RESTORE THE**  
6 **HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES BY FOCUSING**  
7 **LIMITED FINANCIAL RESOURCES ON NONPOINT SOURCE POLLUTION CONTROL**  
8 **PROJECTS IN ALL REGIONS OF THE STATE.**

9           **(C) (1) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE**  
10 **CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND MAY BE USED ONLY**  
11 **FOR THE IMPLEMENTATION OF NONPOINT SOURCE POLLUTION CONTROL PROJECTS**  
12 **TO ACHIEVE THE STATE'S TRIBUTARY STRATEGY DEVELOPED IN ACCORDANCE WITH**  
13 **THE CHESAPEAKE 2000 AGREEMENT AND TO IMPROVE THE HEALTH OF THE**  
14 **ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES.**

15           **(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, WHEN**  
16 **POSSIBLE, MONEY IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST**  
17 **FUND SHALL BE GRANTED TO LOCAL GOVERNMENTS AND OTHER POLITICAL**  
18 **SUBDIVISIONS FOR AGRICULTURAL, FORESTRY, STREAM AND WETLAND**  
19 **RESTORATION, AND URBAN AND SUBURBAN STORMWATER NONPOINT SOURCE**  
20 **POLLUTION CONTROL PROJECTS.**

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

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

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

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

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

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

3           **(2) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED ON A YEA**  
4 **AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED TO**  
5 **EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS WITH THE USE**  
6 **OR TRANSFER OF THE FUNDS.**

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

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