HOUSE BILL 596

M3, M1

CONSTITUTIONAL AMENDMENT


Introduced and read first time: January 31, 2022
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Constitutional Amendment – Environmental Rights

FOR the purpose of establishing that every person has the fundamental and inalienable right to a healthful and sustainable environment; and requiring the State to serve as the trustee of the State’s natural resources, including the air, land, water, wildlife, and ecosystems of the State, and to conserve, protect, and enhance the State’s natural resources for the benefit of every person, including present and future generations.

BY proposing an addition to the Maryland Constitution

Declaration of Rights

Article 48

Preamble

WHEREAS, All living things are dependent on the gifts of a healthful environment; and

WHEREAS, The full expression of human dignity is incompatible with a degraded environment; and

WHEREAS, A sustainable, regenerative ecosystem and stable climate are essential to support a vibrant society and economy; and

WHEREAS, Access to a healthful and sustainable environment is a birthright of every person; now, therefore,
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three–fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Declaration of Rights

ARTICLE 48.

(A) EVERY PERSON HAS THE FUNDAMENTAL AND INALIENABLE RIGHT TO A HEALTHFUL AND SUSTAINABLE ENVIRONMENT.

(B) THE RIGHT ENUMERATED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE INFRINGED.

(C) THE STATE SHALL:

(1) SERVE AS THE TRUSTEE OF THE STATE’S NATURAL RESOURCES, INCLUDING THE AIR, LAND, WATER, WILDLIFE, AND ECOSYSTEMS OF THE STATE; AND

(2) CONSERVE, PROTECT, AND ENHANCE THE STATE’S NATURAL RESOURCES FOR THE BENEFIT OF EVERY PERSON, INCLUDING PRESENT AND FUTURE GENERATIONS.

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

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