

HOUSE BILL 921

M1, M3
HB 1346/16 – ENV

CONSTITUTIONAL AMENDMENT

2lr2977
CF SB 366

By: **Delegates Saab, Adams, Beitzel, Boteler, Buckel, Chisholm, Hornberger, Howard, Krebs, Novotny, Shoemaker, and Szeliga**

Introduced and read first time: February 7, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake and Atlantic Coastal Bays 2010 Trust Fund – Use of Funds**
3 **(Chesapeake Bay Lockbox Protection Act of 2022)**

4 FOR the purpose of establishing a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund
5 to provide financial resources for certain nonpoint source pollution control projects
6 in the State; and prohibiting the transfer of funds in the Chesapeake and Atlantic
7 Coastal Bays 2010 Trust Fund to the General Fund or a special fund of the State
8 except under certain circumstances.

9 BY proposing an addition to the Maryland Constitution
10 Article III – Legislative Department
11 Section 53A

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

15 **Article III – Legislative Department**

16 **53A.**

17 **(A) THERE IS A CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST**
18 **FUND.**

19 **(B) THE PURPOSE OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**
20 **2010 TRUST FUND IS TO PROVIDE FINANCIAL ASSISTANCE NECESSARY TO ADVANCE**
21 **MARYLAND’S PROGRESS IN MEETING THE GOALS ESTABLISHED IN THE 2014**
22 **CHESAPEAKE BAY WATERSHED AGREEMENT FOR THE RESTORATION OF THE**
23 **CHESAPEAKE BAY AND ITS TRIBUTARIES, INCLUDING THE PATUXENT RIVER, AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 TO RESTORE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR
2 TRIBUTARIES BY FOCUSING LIMITED FINANCIAL RESOURCES ON NONPOINT SOURCE
3 POLLUTION CONTROL PROJECTS IN ALL REGIONS OF THE STATE.

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

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

12 (E) THIS SECTION DOES NOT APPLY TO:

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

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

20 (F) FUNDS IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010
21 TRUST FUND MAY BE USED FOR A PURPOSE NOT RELATED TO THE CHESAPEAKE
22 AND ATLANTIC COASTAL BAYS OR TRANSFERRED TO THE GENERAL FUND OR A
23 SPECIAL FUND OF THE STATE IF:

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

26 (2) THE GENERAL ASSEMBLY, BY LEGISLATION PASSED ON A YEA
27 AND NAY VOTE SUPPORTED BY THREE-FIFTHS OF ALL THE MEMBERS ELECTED TO
28 EACH OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, CONCURS WITH THE USE
29 OR TRANSFER OF THE FUNDS.

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

34 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the Maryland

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