

# SENATE BILL 873

M1, M3

CONSTITUTIONAL AMENDMENT

8lr1375

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By: **Senator Zirkin**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Right to Healthy Environment and Communities**

3 FOR the purpose of amending the Maryland Constitution to establish that every person  
4 has the right to certain environmental and community standards; authorizing an  
5 agency, a political subdivision, or any person that meets certain standing  
6 requirements to enforce a certain right enumerated in this amendment; establishing  
7 that every person has the right to intervene in an action brought by the State to  
8 protect a certain right enumerated under this amendment; defining a certain term;  
9 and submitting this amendment to the qualified voters of the State for their adoption  
10 or rejection.

11 BY proposing an addition to the Maryland Constitution  
12 Declaration of Rights  
13 Article 48

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

17 **Declaration of Rights**

18 **ARTICLE 48.**

19 **(A) IN THIS ARTICLE, “PERSON” MEANS ANY RESIDENT OF THE STATE,**  
20 **CORPORATION INCORPORATED UNDER THE LAWS OF THE STATE, OR PARTNERSHIP,**  
21 **ORGANIZATION, ASSOCIATION, OR LEGAL ENTITY DOING BUSINESS IN THE STATE.**

22 **(B) EVERY PERSON HAS THE RIGHT TO CLEAN AIR, PURE WATER, HEALTHY**  
23 **COMMUNITIES, AN ENVIRONMENT FREE OF CONDITIONS THAT DEGRADE PUBLIC**  
24 **HEALTH OR NATURAL RESOURCES, AND THE PRESERVATION OF THE NATURAL,**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SCENIC, HISTORIC, AND AESTHETIC VALUES OF THE ENVIRONMENT.**

2 **(C) AN AGENCY OR A POLITICAL SUBDIVISION OF THE STATE OR ANY**  
3 **PERSON THAT MEETS THE THRESHOLD STANDING REQUIREMENTS UNDER FEDERAL**  
4 **LAW MAY ENFORCE THE RIGHT ENUMERATED UNDER SECTION (B) OF THIS ARTICLE**  
5 **AGAINST ANY PUBLIC OR PRIVATE PARTY THROUGH APPROPRIATE LEGAL**  
6 **PROCEEDINGS.**

7 **(D) EVERY PERSON HAS THE RIGHT TO INTERVENE IN AN ACTION BROUGHT**  
8 **BY THE STATE TO PROTECT THE RIGHT ENUMERATED UNDER SECTION (B) OF THIS**  
9 **ARTICLE.**

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the  
15 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
16 voters of the State at the next general election to be held in November 2018 for adoption or  
17 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
18 the vote on the proposed amendment to the Constitution shall be by ballot, and each ballot  
19 there shall be printed the words "For the Constitutional Amendment" and "Against the  
20 Constitutional Amendment", as now provided by law. Immediately after the election, all  
21 returns shall be made to the Governor of the vote for and against the proposed amendment,  
22 as directed by Article XIV of the Maryland Constitution, and further proceedings had in  
23 accordance with Article XIV.