

Chapter 634

(House Bill 1207)

AN ACT concerning

Environment – Commission on Environmental Justice and Sustainable Communities – Reform

FOR the purpose of altering the membership of the Commission on Environmental Justice and Sustainable Communities; requiring the membership of the Commission to reflect the diversity of the State to the extent practicable; specifying the term of certain members; requiring the Department of the Environment to provide a new member with a certain orientation; altering the manner in which a chair is chosen for the Commission; requiring the Commission to meet a minimum number of times per calendar year; requiring the Commission to host at least a certain number of community listening sessions per calendar year, with a majority of the members of the Commission present at each community listening session; requiring the Commission to hold a certain number of meetings and community listening sessions in certain locations of the State; requiring the Commission's meetings and community listening sessions to be reasonably accessible to all attendees, including certain persons; requiring the Department to post notice of the time and location of its meetings and community listening sessions on its website at least a certain number of days before the meeting or community listening session; prohibiting a member of the Commission from representing more than one entity or group; requiring the Commission to use data sets and mapping tools to review and analyze the current impact of State and local laws, permits, actions, and policies on certain issues; requiring the Commission to assess compliance with a certain federal law; requiring the Maryland Office of Minority Health and Health Disparities and the Commission to coordinate with the Commission on Climate Change on certain recommendations; repealing the requirement that the Commission develop certain criteria; ~~requiring the Commission, after seeking to seek input from and hosting host meetings in certain communities, to create a list of potential supplemental environmental projects to address environmental justice issues~~; requiring the Commission to recommend certain options to the General Assembly; defining certain terms; and generally relating to the Commission on Environmental Justice and Sustainable Communities.

BY repealing and reenacting, with amendments,

Article – Environment

Section 1–701

Annotated Code of Maryland

(2013 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

1–701.

(a) (1) In this section[, “environmental”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“BUSINESS ORGANIZATION” MEANS A CORPORATION, BUSINESS TRUST, PARTNERSHIP, OR ANY OTHER FOR–PROFIT ENTITY.**

(3) **“COMMISSION” MEANS THE COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES.**

~~(3)~~ (4) **“COMMUNITY LISTENING SESSION” MEANS A PUBLIC CONVENING TO GATHER INFORMATION AND INPUT FROM COMMUNITY MEMBERS.**

(5) **“ENVIRONMENTAL justice” means equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.**

~~(5)~~ (6) **“ENVIRONMENTAL ORGANIZATION” MEANS A NONPROFIT ENTITY ENGAGED IN ADVOCACY OR ACTION RELATED TO CONSERVATION, STEWARDSHIP OF NATURAL RESOURCES, OR POLLUTION REDUCTION.**

~~(4) “SUPPLEMENTAL ENVIRONMENTAL PROJECT” MEANS AN ENVIRONMENTALLY BENEFICIAL PROJECT OR ACTIVITY THAT IS NOT REQUIRED BY LAW, BUT THAT AN ALLEGED VIOLATOR AGREES TO UNDERTAKE AS PART OF A SETTLEMENT OR ENFORCEMENT ACTION.~~

(b) There is a Commission on Environmental Justice and Sustainable Communities.

(c) (1) The Commission consists of the following [20] members:

(i) One member of the Senate of Maryland, appointed by the President of the Senate;

(ii) One member of the House of Delegates, appointed by the Speaker of the House;

(iii) The Secretary, or the Secretary’s designee;

(iv) The Secretary of Health, or the Secretary’s designee;

(v) The Secretary of Planning, or the Secretary’s designee;

(vi) The Secretary of Commerce, or the Secretary's designee;

(vii) The Secretary of Housing and Community Development, or the Secretary's designee;

(viii) The Secretary of Transportation, or the Secretary's designee;

[and]

(ix) [Twelve] **THE FOLLOWING** members appointed by the Governor [who represent the following interests]:

1. [Affected communities concerned with] ~~ONE REPRESENTATIVE NOT FEWER THAN FOUR REPRESENTATIVES AT LEAST ONE REPRESENTATIVE~~ FROM A COMMUNITY DISPROPORTIONATELY IMPACTED BY environmental justice ISSUES AND PUBLIC HEALTH HAZARDS THAT REPRESENT THE GEOGRAPHIC DIVERSITY OF THE STATE;

2. [Business organizations] ~~ONE REPRESENTATIVE TWO ONE REPRESENTATIVES REPRESENTATIVE OF A A BUSINESS ORGANIZATION ORGANIZATIONS ORGANIZATION;~~

3. [Environmental organizations] ~~ONE REPRESENTATIVE TWO ONE REPRESENTATIVES REPRESENTATIVE OF AN AN ENVIRONMENTAL ORGANIZATION ORGANIZATIONS ORGANIZATION;~~

4. [Health experts] ~~ONE REPRESENTATIVE TWO ONE REPRESENTATIVES REPRESENTATIVE WHO IS A ARE IS A HEALTH EXPERT EXPERTS EXPERT~~ on environmental justice ISSUES; AND

~~5. [Local] ONE REPRESENTATIVE OF LOCAL government;~~
~~and~~

~~6.~~ 5. [The general public with interest or expertise in environmental justice] **ONE REPRESENTATIVE OF AN ACADEMIC INSTITUTION WITH AN ENVIRONMENTAL JUSTICE INSTITUTE OR SIMILAR PROGRAM;**

~~(X) THE FOLLOWING MEMBERS APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE;~~

(X) THE FOLLOWING MEMBERS APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE;

1. AT LEAST THREE REPRESENTATIVES FROM COMMUNITIES DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS THAT REPRESENT THE GEOGRAPHIC DIVERSITY OF THE STATE;

2. ONE REPRESENTATIVE OF A BUSINESS ORGANIZATION;

3. ONE REPRESENTATIVE OF AN ENVIRONMENTAL ORGANIZATION; AND

4. ONE REPRESENTATIVE WHO IS A HEALTH EXPERT ON ENVIRONMENTAL JUSTICE ISSUES;

~~1. THREE REPRESENTATIVES FROM COMMUNITIES IMPACTED BY ENVIRONMENTAL JUSTICE ISSUES;~~

~~2. ONE REPRESENTATIVE OF A BUSINESS ORGANIZATION;~~

~~3. ONE REPRESENTATIVE OF AN ENVIRONMENTAL ORGANIZATION; AND~~

~~4. ONE REPRESENTATIVE WHO IS A HEALTH EXPERT ON ENVIRONMENTAL JUSTICE ISSUES;~~

~~(XI) (X) (XI)~~ ONE REPRESENTATIVE OF LOCAL GOVERNMENT, DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES; ~~AND~~

~~(XII) (XI) (XII)~~ ONE REPRESENTATIVE OF LOCAL GOVERNMENT, DESIGNATED BY THE MARYLAND MUNICIPAL LEAGUE; AND

~~(XII) (XIII)~~ TWO REPRESENTATIVES OF A LABOR UNION, DESIGNATED BY THE MARYLAND STATE AND D.C. AFL-CIO.

(2) [Of the twelve members appointed by the Governor under paragraph (1)(ix) of this subsection, at least two members shall represent affected communities concerned with environmental justice.] TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMISSION SHALL REFLECT THE RACIAL, GENDER, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE, ACCORDING TO THE MOST RECENT AVAILABLE CENSUS DATA.

(d) (1) The term of a member appointed by the Governor **OR THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE** ~~OR THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE~~ is 3 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) A member may not be appointed to more than two consecutive terms.

(5) THE DEPARTMENT SHALL PROVIDE A NEW COMMISSION MEMBER WITH AN ORIENTATION THAT REVIEWS:

(I) ENVIRONMENTAL JUSTICE ISSUES IN THE STATE; AND

(II) PREVIOUS WORK OF THE COMMISSION.

(e) The [Governor] COMMISSION shall [designate the chairman of the Commission] **ELECT A CHAIR FROM AMONG ITS MEMBERS.**

(f) The Department shall provide staff for the Commission.

(g) (1) **(I)** The Commission shall ~~meet~~:

1. MEET at [the times and places that the chairman determines] **LEAST SIX TIMES PER CALENDAR YEAR; AND**

2. HOST AT LEAST FOUR COMMUNITY LISTENING SESSIONS PER CALENDAR YEAR IN COMMUNITIES DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS, WITH A MAJORITY OF THE MEMBERS OF THE COMMISSION PRESENT AT EACH COMMUNITY LISTENING SESSION.

(II) OF THE MEETINGS AND COMMUNITY LISTENING SESSIONS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL ESTABLISH ROTATING MEETING OR COMMUNITY LISTENING SESSION LOCATIONS IN DIFFERENT GEOGRAPHIC LOCATIONS OF THE STATE, INCLUDING:

1. AT LEAST ONE ~~SHALL BE HELD~~ IN A RURAL LOCATION OF THE STATE; AND

2. AT LEAST ONE ~~SHALL BE HELD~~ IN AN URBAN LOCATION OF THE STATE.

(III) THE MEETINGS AND COMMUNITY LISTENING SESSIONS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REASONABLY ACCESSIBLE TO ALL ATTENDEES, INCLUDING PERSONS WITH:

- 1. LIMITED ENGLISH PROFICIENCY; AND**
- 2. DISABILITIES.**

(IV) THE DEPARTMENT SHALL POST NOTICE OF THE TIME AND LOCATION OF A MEETING OR COMMUNITY LISTENING SESSION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ON ITS WEBSITE AT LEAST 30 DAYS BEFORE THE MEETING OR COMMUNITY LISTENING SESSION.

(2) A majority of members of the Commission shall constitute a quorum for the transaction of business.

(3) A member of the Commission:

(i) May not receive compensation as a member of the Commission;
but

(ii) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(4) A MEMBER OF THE COMMISSION MAY NOT REPRESENT MORE THAN ONE ENTITY OR GROUP.

(h) The Commission shall:

(1) Advise State government agencies on environmental justice and related community issues;

(2) [Review] **USE DATA SETS AND MAPPING TOOLS TO REVIEW and analyze the impact of current State AND LOCAL laws, PERMITS, ACTIONS, and policies on the issue of environmental justice and sustainable communities, INCLUDING CUMULATIVE IMPACTS, EFFECTS, AND EXPOSURE;**

(3) Assess the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities, **INCLUDING ASSESSING COMPLIANCE WITH TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964;**

(4) Coordinate with the Children's Environmental Health and Protection Advisory Council, **THE MARYLAND OFFICE OF MINORITY HEALTH AND HEALTH**

DISPARITIES, AND THE COMMISSION ON CLIMATE CHANGE on recommendations related to environmental justice and sustainable communities; **AND**

(5) [Develop criteria to assess whether communities in the State may be experiencing environmental justice issues] ~~AFTER SEEKING SEEK INPUT FROM AND HOSTING HOST MEETINGS IN COMMUNITIES DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL JUSTICE ISSUES AND PUBLIC HEALTH HAZARDS, CREATE A LIST OF POTENTIAL SUPPLEMENTAL ENVIRONMENTAL PROJECTS TO ADDRESS ENVIRONMENTAL JUSTICE ISSUES; and~~

~~(6)~~ Recommend options to the Governor **AND THE GENERAL ASSEMBLY** for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention.

(i) On or before October 1 of each year, the Commission shall report its findings and recommendations to the Governor and, subject to § 2–1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.