

HOUSE BILL 866

P5, M3
HB 246/19 – HRU

0lr2652

By: **Delegates Shetty, Charkoudian, Crutchfield, J. Lewis, R. Lewis, Lierman,
Love, and Mosby**

Introduced and read first time: February 3, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Environmental Impact Statements – Pilot Program**

3 FOR the purpose of prohibiting certain subcommittees of certain standing committees of
4 the General Assembly from recommending an action on a bill unless a certain
5 environmental impact statement accompanies the bill; authorizing a certain
6 subcommittee to waive the environmental impact statement requirement under
7 certain circumstances; requiring a certain subcommittee to ask the Department of
8 Legislative Services to prepare a certain environmental impact statement on referral
9 of a bill to the subcommittee; requiring the Department to prepare an environmental
10 impact statement by completing a certain form and send a copy of the completed
11 environmental impact statement to a certain person; authorizing the Department to
12 consult with certain entities in the preparation of an environmental impact
13 statement for a bill; requiring an environmental impact statement to identify the
14 sources of information that the Department used in preparing the statement;
15 requiring a certain unit of government to promptly provide certain information on
16 request by the Department; requiring the Department to keep a copy of each
17 environmental impact statement for a certain period of time and in a certain manner;
18 providing that environmental impact statements need not be published in the Senate
19 journal or the House journal; providing for the validity of certain enactments;
20 defining a certain term; providing for the termination of this Act; and generally
21 relating to environmental impact statements for bills.

22 BY adding to

23 Article – State Government
24 Section 2–1505.3
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2019 Supplement)

27 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Numerous scientists and experts have labeled climate change a global
2 emergency; and

3 WHEREAS, Maryland has been a leader in protecting and promoting sound
4 environmental policy; and

5 WHEREAS, The federal National Environmental Policy Act and its statewide
6 counterpart, the Maryland Environmental Policy Act, were developed to enable informed
7 decision making and environmental review; and

8 WHEREAS, The Maryland Environmental Policy Act requires State agencies to
9 prepare an environmental effects report on each “proposed State action significantly
10 affecting the quality of the environment” to protect the health of people and the planet; and

11 WHEREAS, The proposed State actions for which an environmental effects report
12 must be prepared are limited to “requests for legislative appropriations and other
13 legislative action that will alter the quality of the air, land, or water resources”; and

14 WHEREAS, An environmental impact statement would complement the health
15 impact assessment tool to result in a systematic method of gauging the complete picture of
16 environmental impacts; and

17 WHEREAS, The environmental impact statement should result in an improvement
18 of the quality of relevant actions by calculating the long-term effects of a legislative
19 proposal; now, therefore,

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

22 **Article – State Government**

23 **2–1505.3.**

24 (A) IN THIS SECTION, “ENVIRONMENTAL IMPACT STATEMENT” MEANS AN
25 ANALYSIS THAT:

26 (1) INDICATES WHETHER A BILL MAY OR WILL HAVE AN
27 ENVIRONMENTAL IMPACT; AND

28 (2) IF SO, SPECIFIES THE TYPE AND CATEGORY OF ENVIRONMENTAL
29 IMPACT, INCLUDING ANY IMPACT ON GREENHOUSE GAS EMISSIONS.

30 (B) THIS SECTION APPLIES ONLY TO A BILL THAT IS REFERRED TO:

31 (1) THE PUBLIC UTILITIES SUBCOMMITTEE OF THE HOUSE
32 ECONOMIC MATTERS COMMITTEE;

1 **(2) THE BUSINESS REGULATION SUBCOMMITTEE OF THE HOUSE**
2 **ECONOMIC MATTERS COMMITTEE; OR**

3 **(3) THE ENERGY AND PUBLIC UTILITIES SUBCOMMITTEE OF THE**
4 **SENATE FINANCE COMMITTEE.**

5 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
6 **SUBCOMMITTEE SPECIFIED IN SUBSECTION (B) OF THIS SECTION MAY NOT**
7 **RECOMMEND AN ACTION ON A BILL UNLESS AN ENVIRONMENTAL IMPACT**
8 **STATEMENT ACCOMPANIES THE BILL.**

9 **(2) THE SUBCOMMITTEE MAY WAIVE THE ENVIRONMENTAL IMPACT**
10 **STATEMENT REQUIREMENT IF THE SUBCOMMITTEE CERTIFIES THAT PROMPT**
11 **ACTION ON THE BILL IS NEEDED TO CONDUCT LEGISLATIVE BUSINESS.**

12 **(D) ON REFERRAL OF A BILL TO A SUBCOMMITTEE SPECIFIED IN**
13 **SUBSECTION (B) OF THIS SECTION:**

14 **(1) THE SUBCOMMITTEE SHALL ASK THE DEPARTMENT OF**
15 **LEGISLATIVE SERVICES TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR**
16 **THE BILL; AND**

17 **(2) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PREPARE**
18 **THE ENVIRONMENTAL IMPACT STATEMENT IN ACCORDANCE WITH THIS SECTION.**

19 **(E) (1) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL:**

20 **(I) PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR A**
21 **BILL BY COMPLETING PART II OF THE ENVIRONMENTAL ASSESSMENT FORM THAT**
22 **IS USED TO DETERMINE WHETHER A STATE AGENCY IS REQUIRED TO PREPARE AN**
23 **ENVIRONMENTAL EFFECTS REPORT UNDER § 1-304 OF THE NATURAL RESOURCES**
24 **ARTICLE FOR A PROPOSED ACTION; AND**

25 **(II) SEND A COPY OF THE COMPLETED ENVIRONMENTAL**
26 **IMPACT STATEMENT FOR A BILL TO THE SUBCOMMITTEE THAT REQUESTED THE**
27 **STATEMENT AND TO THE PRIMARY SPONSOR OF THE BILL.**

28 **(2) (1) THE DEPARTMENT OF LEGISLATIVE SERVICES MAY**
29 **CONSULT WITH ANY PUBLIC OR PRIVATE ENTITY IN THE PREPARATION OF AN**
30 **ENVIRONMENTAL IMPACT STATEMENT FOR A BILL, INCLUDING:**

31 **1. THE DEPARTMENT OF THE ENVIRONMENT;**

- 1 2. **THE DEPARTMENT OF NATURAL RESOURCES;**
- 2 3. **THE DEPARTMENT OF TRANSPORTATION;**
- 3 4. **THE DEPARTMENT OF AGRICULTURE;**
- 4 5. **THE PUBLIC SERVICE COMMISSION;**
- 5 6. **THE UNIVERSITY OF MARYLAND CENTER FOR**
6 **ENVIRONMENTAL SCIENCE;**
- 7 7. **THE NATIONAL CENTER FOR SMART GROWTH AT THE**
8 **UNIVERSITY OF MARYLAND; AND**
- 9 8. **THE JOHNS HOPKINS UNIVERSITY.**

10 **(II) AN ENVIRONMENTAL IMPACT STATEMENT SHALL IDENTIFY**
11 **THE SOURCES OF THE INFORMATION THAT THE DEPARTMENT OF LEGISLATIVE**
12 **SERVICES USED IN PREPARING THE STATEMENT.**

13 **(F) ON REQUEST OF THE DEPARTMENT OF LEGISLATIVE SERVICES, A UNIT**
14 **OF STATE OR LOCAL GOVERNMENT SHALL PROVIDE PROMPTLY ANY INFORMATION**
15 **REQUESTED BY THE DEPARTMENT FOR PREPARING AN ENVIRONMENTAL IMPACT**
16 **STATEMENT FOR A BILL.**

17 **(G) (1) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL KEEP A**
18 **COPY OF EACH ENVIRONMENTAL IMPACT STATEMENT FOR 3 YEARS AFTER**
19 **PREPARATION OF THE STATEMENT.**

20 **(2) THE COPIES SHALL BE REASONABLY AVAILABLE FOR PUBLIC**
21 **INSPECTION.**

22 **(H) ENVIRONMENTAL IMPACT STATEMENTS NEED NOT BE PUBLISHED IN**
23 **THE SENATE JOURNAL OR HOUSE JOURNAL.**

24 **(I) THE VALIDITY OF AN ENACTMENT IS NOT AFFECTED BY THE PRESENCE,**
25 **ABSENCE, OR CONTENT OF AN ENVIRONMENTAL IMPACT STATEMENT.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2020. It shall remain effective for a period of 1 year and, at the end of September
28 30, 2021, this Act, with no further action required by the General Assembly, shall be
29 abrogated and of no further force and effect.