

# SENATE BILL 674

M3

(11r2374)

## ENROLLED BILL

— Education, Health, and Environmental Affairs/Environment and Transportation —

Introduced by **Senators Elfreth, Griffith, West, Waldstreicher, Jackson, Smith, Guzzone, Pinsky, Augustine, Beidle, ~~and McCray~~ McCray, Ellis, Hester, Kagan, Lam, and Washington**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Commission on Environmental Justice and Sustainable**  
3 **Communities – Reform**

4 FOR the purpose of altering the membership of the Commission on Environmental Justice  
5 and Sustainable Communities; requiring the membership of the Commission to  
6 reflect the diversity of the State to the extent practicable; specifying the term of  
7 certain members; requiring the Department of the Environment to provide a new  
8 member with a certain orientation; altering the manner in which a chair is chosen  
9 for the Commission; requiring the Commission to meet a minimum number of times  
10 per calendar year; requiring the Commission to host at least a certain number of  
11 community listening sessions per calendar year, with a majority of the members of the  
12 Commission present at each community listening session; requiring the Commission  
13 to hold a certain number of meetings and community listening sessions in certain

---

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 locations of the State; *requiring the Commission’s meetings and community listening*  
 2 *sessions to be reasonably accessible to all attendees, including certain persons;*  
 3 *requiring the Department to post notice of the time and location of its meetings and*  
 4 *community listening sessions on its website at least a certain number of days before*  
 5 *the meeting or community listening session; prohibiting a member of the Commission*  
 6 *from representing more than one entity or group;* requiring the Commission to use  
 7 data sets and mapping tools to review and analyze the current impact of State *and*  
 8 *local laws, permits, actions,* and policies on certain issues; *requiring the Commission*  
 9 *to assess compliance with a certain federal law;* requiring the *Maryland Office of*  
 10 *Minority Health and Health Disparities and the* Commission to coordinate with the  
 11 Commission on Climate Change on certain recommendations; repealing the  
 12 requirement that the Commission develop certain criteria; ~~requiring the~~  
 13 ~~Commission, after seeking input from and hosting meetings in certain communities,~~  
 14 ~~to create a list of potential supplemental environmental projects to address~~  
 15 ~~environmental justice issues;~~ requiring the Commission to recommend certain  
 16 options to the General Assembly; defining certain terms; and generally relating to  
 17 the Commission on Environmental Justice and Sustainable Communities.

18 BY repealing and reenacting, with amendments,

19 Article – Environment

20 Section 1–701

21 Annotated Code of Maryland

22 (2013 Replacement Volume and 2020 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Environment**

26 1–701.

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

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

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

33 ~~(3)~~ (4) **“COMMUNITY LISTENING SESSION” MEANS A PUBLIC**  
 34 **CONVENING TO GATHER INFORMATION AND INPUT FROM COMMUNITY MEMBERS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

22 [and]

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

25                   1. [Affected communities concerned with] ~~ONE~~ **AT LEAST**  
 26 **ONE REPRESENTATIVE FROM A COMMUNITY DISPROPORTIONATELY IMPACTED BY**  
 27 **environmental justice ISSUES AND PUBLIC HEALTH HAZARDS;**

28                   2. [Business organizations] **ONE REPRESENTATIVE OF A**  
 29 **BUSINESS ORGANIZATION;**

1 3. [Environmental organizations] **ONE REPRESENTATIVE**  
 2 **OF AN ENVIRONMENTAL ORGANIZATION;**

3 4. [Health experts] **ONE REPRESENTATIVE WHO IS A**  
 4 **HEALTH EXPERT on environmental justice ISSUES; AND**

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

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

10 **(X) THE FOLLOWING MEMBERS APPOINTED JOINTLY BY THE**  
 11 **PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE:**

12 1. ~~THREE~~ **AT LEAST THREE** REPRESENTATIVES FROM  
 13 **COMMUNITIES DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL JUSTICE**  
 14 **ISSUES AND PUBLIC HEALTH HAZARDS THAT REPRESENT THE GEOGRAPHIC**  
 15 **DIVERSITY OF THE STATE;**

16 2. **ONE REPRESENTATIVE OF A BUSINESS**  
 17 **ORGANIZATION;**

18 3. **ONE REPRESENTATIVE OF AN ENVIRONMENTAL**  
 19 **ORGANIZATION; AND**

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

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

24 **(XII) ONE REPRESENTATIVE OF LOCAL GOVERNMENT,**  
 25 **DESIGNATED BY THE MARYLAND MUNICIPAL LEAGUE; AND**

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

28 (2) [Of the twelve members appointed by the Governor under paragraph  
 29 (1)(ix) of this subsection, at least two members shall represent affected communities  
 30 concerned with environmental justice.] **TO THE EXTENT PRACTICABLE, THE**  
 31 **MEMBERSHIP OF THE COMMISSION SHALL REFLECT THE RACIAL, GENDER, ETHNIC,**

1 **AND GEOGRAPHIC DIVERSITY OF THE STATE, ACCORDING TO THE MOST RECENT**  
2 **AVAILABLE CENSUS DATA.**

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

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

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

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

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

12 **(I) ENVIRONMENTAL JUSTICE ISSUES IN THE STATE; AND**

13 **(II) PREVIOUS WORK OF THE COMMISSION.**

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

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

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

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

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

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

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

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

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

6                             **1. LIMITED ENGLISH PROFICIENCY; AND**

7                             **2. DISABILITIES.**

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

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

14                   (3)     A member of the Commission:

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

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

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

21                   (h)     The Commission shall:

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

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

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

1 (4) Coordinate with the Children’s Environmental Health and Protection  
2 Advisory Council, THE MARYLAND OFFICE OF MINORITY HEALTH AND HEALTH  
3 DISPARITIES, AND THE COMMISSION ON CLIMATE CHANGE on recommendations  
4 related to environmental justice and sustainable communities; AND

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

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

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

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.