

# SENATE BILL 674

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CF HB 1207

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

Introduced and read first time: February 3, 2021

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2021

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## 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 hold a certain number of meetings  
11 in certain locations of the State; requiring the Commission to use data sets and  
12 mapping tools to review and analyze the current impact of State laws and policies on  
13 certain issues; requiring the Commission to coordinate with the Commission on  
14 Climate Change on certain recommendations; repealing the requirement that the  
15 Commission develop certain criteria; requiring the Commission, after seeking input  
16 from and hosting meetings in certain communities, to create a list of potential  
17 supplemental environmental projects to address environmental justice issues;  
18 requiring the Commission to recommend certain options to the General Assembly;  
19 defining certain terms; and generally relating to the Commission on Environmental  
20 Justice and Sustainable Communities.

21 BY repealing and reenacting, with amendments,  
22 Article – Environment

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### 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.



1 Section 1–701  
2 Annotated Code of Maryland  
3 (2013 Replacement Volume and 2020 Supplement)

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

6 **Article – Environment**

7 1–701.

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

10 (2) **“COMMISSION” MEANS THE COMMISSION ON ENVIRONMENTAL**  
11 **JUSTICE AND SUSTAINABLE COMMUNITIES.**

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

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

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

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

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

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

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

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

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

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

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

3 (viii) The Secretary of Transportation, or the Secretary's designee;  
4 [and]

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

7 1. [Affected communities concerned with] **ONE**  
8 **REPRESENTATIVE FROM A COMMUNITY IMPACTED BY** environmental justice **ISSUES**;

9 2. [Business organizations] **ONE REPRESENTATIVE OF A**  
10 **BUSINESS ORGANIZATION**;

11 3. [Environmental organizations] **ONE REPRESENTATIVE**  
12 **OF AN ENVIRONMENTAL ORGANIZATION**;

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

15 5. [Local] **ONE REPRESENTATIVE OF LOCAL** government;  
16 and

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

20 (x) **THE FOLLOWING MEMBERS APPOINTED JOINTLY BY THE**  
21 **PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE**:

22 1. **THREE REPRESENTATIVES FROM COMMUNITIES**  
23 **IMPACTED BY ENVIRONMENTAL JUSTICE ISSUES**;

24 2. **ONE REPRESENTATIVE OF A BUSINESS**  
25 **ORGANIZATION**;

26 3. **ONE REPRESENTATIVE OF AN ENVIRONMENTAL**  
27 **ORGANIZATION**; AND

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

30 (xi) **ONE REPRESENTATIVE OF LOCAL GOVERNMENT,**  
31 **DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES**; AND

1                   **(XII) ONE REPRESENTATIVE OF LOCAL GOVERNMENT,**  
 2 **DESIGNATED BY THE MARYLAND MUNICIPAL LEAGUE.**

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

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

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

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

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

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

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

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

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

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

22                   (g) (1) **(I)** The Commission shall meet at [the times and places that the  
 23 chairman determines] **LEAST SIX TIMES PER CALENDAR YEAR.**

24                   **(II) OF THE MEETINGS REQUIRED UNDER SUBPARAGRAPH (I)**  
 25 **OF THIS PARAGRAPH:**

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

28                   2. **AT LEAST ONE SHALL BE HELD IN AN URBAN**  
 29 **LOCATION OF THE STATE.**

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

3           (3) A member of the Commission:

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

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

8           (h) The Commission shall:

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

11           (2) **[Review] USE DATA SETS AND MAPPING TOOLS TO REVIEW** and  
12 analyze the impact of current State laws and policies on the issue of environmental justice  
13 and sustainable communities;

14           (3) Assess the adequacy of State and local government laws to address the  
15 issue of environmental justice and sustainable communities;

16           (4) Coordinate with the Children's Environmental Health and Protection  
17 Advisory Council **AND THE COMMISSION ON CLIMATE CHANGE** on recommendations  
18 related to environmental justice and sustainable communities;

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

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

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

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