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By: **Delegate C. Davis**

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Assigned to: Rules and Executive Nominations

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Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commission on Environmental Justice and Sustainable Communities**

3 FOR the purpose of establishing the Commission on Environmental Justice and  
4 Sustainable Communities; providing for the membership and terms of the  
5 Commission; requiring the Governor to designate the chairman of the  
6 Commission; providing for the staff, meeting times and places, and quorum of  
7 the Commission; prohibiting a member of the Commission from receiving  
8 compensation, but authorizing certain reimbursement; providing for the duties  
9 of the Commission; requiring the Commission to submit a certain report on or  
10 before a certain date each year; defining a certain term; and generally relating  
11 to the Commission on Environmental Justice and Sustainable Communities.

12 BY repealing and reenacting, without amendments,  
13 Article - Environment  
14 Section 1-101(a) and (k)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 2002 Supplement)

17 BY adding to  
18 Article - Environment  
19 Section 1-701 to be under the new subtitle "Subtitle 7. Environmental Justice"  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 2002 Supplement)

1 Preamble

2 WHEREAS, Environmental justice is based on the principle that regardless of  
3 race, national origin, age, or income, no segment of the population should bear  
4 disproportionately high and adverse effects of environmental pollution; and

5 WHEREAS, The State supports and is committed to the principle of  
6 environmental justice and equal protection of all citizens of the State in a manner  
7 that fully complies with Title VI of the Civil Rights Act of 1964; and

8 WHEREAS, Major statewide revitalization initiatives for reducing sprawl,  
9 encouraging redevelopment, and enhancing community life address environmental  
10 conditions of our communities and provide new economic opportunities in these  
11 communities, while preserving more pristine areas from sprawl and additional  
12 pollution; and

13 WHEREAS, Economic development and environmental protection are  
14 interdependent, and equal treatment and opportunities must be afforded to all  
15 citizens of the State by involving affected communities; and

16 WHEREAS, Chapter 741 of the Acts of 1997 established the Maryland Advisory  
17 Council on Environmental Justice, which made recommendations for assessing and  
18 implementing environmental protection to communities in a fair and equitable  
19 manner throughout the State; and

20 WHEREAS, Chapter 585 of the Acts of 2000 established the Children's  
21 Environmental Health and Protection Advisory Council to recommend, in part,  
22 solutions to environmental justice issues affecting the health of children; and

23 WHEREAS, Certain communities in the State may suffer disproportionately  
24 from environmental hazards related to programs and policies designed to encourage  
25 industrial, municipal, or commercial revitalization; and

26 WHEREAS, Fair treatment suggests that no community should  
27 disproportionately suffer the negative environmental impacts resulting from  
28 industrial, municipal, and commercial operations or the implementation of State,  
29 local, and municipal programs and policies; and

30 WHEREAS, Environmental justice considerations should be integrated into the  
31 State's revitalization initiatives for reducing sprawl, encouraging redevelopment, and  
32 enhancing community life; and

33 WHEREAS, Environmental justice does not need to hinder economic  
34 development, and economic development and environmental equity in the State can  
35 and should be effectively balanced; and

36 WHEREAS, An executive order was issued and signed by former Governor  
37 Parris Glendening to create a temporary Commission on Environmental Justice and  
38 Sustainable Communities; now, therefore,

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

3 **Article - Environment**

4 1-101.

5 (a) In this article the following words have the meanings indicated.

6 (k) "Secretary" means the Secretary of the Environment.

7 **SUBTITLE 7. ENVIRONMENTAL JUSTICE.**

8 1-701.

9 (A) IN THIS SECTION, "ENVIRONMENTAL JUSTICE" MEANS EQUAL  
10 PROTECTION FROM ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS FOR ALL  
11 PEOPLE REGARDLESS OF RACE, INCOME, CULTURE, AND SOCIAL STATUS.

12 (B) THERE IS A COMMISSION ON ENVIRONMENTAL JUSTICE AND  
13 SUSTAINABLE COMMUNITIES.

14 (C) THE COMMISSION CONSISTS OF THE FOLLOWING 15 MEMBERS:

15 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE  
16 PRESIDENT OF THE SENATE;

17 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
18 SPEAKER OF THE HOUSE;

19 (3) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

20 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE  
21 SECRETARY'S DESIGNEE;

22 (5) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;  
23 AND

24 (6) TEN MEMBERS APPOINTED BY THE GOVERNOR WHO REPRESENT  
25 THE FOLLOWING INTERESTS:

26 (I) AFFECTED COMMUNITIES CONCERNED WITH ENVIRONMENTAL  
27 JUSTICE;

28 (II) BUSINESS ORGANIZATIONS;

29 (III) ENVIRONMENTAL ORGANIZATIONS;

30 (IV) HEALTH EXPERTS ON ENVIRONMENTAL JUSTICE;

31 (V) LOCAL GOVERNMENT; AND

1 (VI) THE GENERAL PUBLIC WITH INTEREST OR EXPERTISE IN  
2 ENVIRONMENTAL JUSTICE.

3 (D) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 3 YEARS.

4 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
5 SUCCESSOR IS APPOINTED AND QUALIFIES.

6 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
7 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
8 QUALIFIES.

9 (4) A MEMBER MAY NOT BE APPOINTED TO MORE THAN TWO  
10 CONSECUTIVE TERMS.

11 (E) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE COMMISSION.

12 (F) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.

13 (G) (1) THE COMMISSION SHALL MEET AT THE TIMES AND PLACES THAT  
14 THE CHAIRMAN DETERMINES.

15 (2) A MAJORITY OF MEMBERS OF THE COMMISSION SHALL CONSTITUTE  
16 A QUORUM FOR THE TRANSACTION OF BUSINESS.

17 (3) A MEMBER OF THE COMMISSION:

18 (I) MAY NOT RECEIVE COMPENSATION; BUT

19 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
20 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

21 (H) THE COMMISSION SHALL:

22 (1) ADVISE STATE GOVERNMENT AGENCIES ON ENVIRONMENTAL  
23 JUSTICE AND RELATED COMMUNITY ISSUES;

24 (2) REVIEW AND ANALYZE THE IMPACT OF CURRENT STATE LAWS AND  
25 POLICIES ON THE ISSUE OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE  
26 COMMUNITIES;

27 (3) ASSESS THE ADEQUACY OF STATE AND LOCAL GOVERNMENT LAWS  
28 TO ADDRESS THE ISSUE OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE  
29 COMMUNITIES;

30 (4) COORDINATE WITH THE CHILDREN'S ENVIRONMENTAL HEALTH AND  
31 PROTECTION ADVISORY COUNCIL ON RECOMMENDATIONS RELATED TO  
32 ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES;

33 (5) DEVELOP CRITERIA TO ASSESS WHETHER COMMUNITIES IN THE  
34 STATE MAY BE EXPERIENCING ENVIRONMENTAL JUSTICE ISSUES; AND

1           (6)       RECOMMEND OPTIONS TO THE GOVERNOR FOR ADDRESSING  
2 ISSUES, CONCERNS, OR PROBLEMS RELATED TO ENVIRONMENTAL JUSTICE THAT  
3 SURFACE AFTER REVIEWING STATE LAWS AND POLICIES, INCLUDING PRIORITIZING  
4 AREAS OF THE STATE THAT NEED IMMEDIATE ATTENTION.

5       (I)       ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMISSION SHALL  
6 REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT  
7 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2003.