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Introduced and read first time: February 21, 1997
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 1997

CHAPTER _____

1 AN ACT concerning

2 ~~Citizens~~ **Advisory Council on Environmental Justice**

3 FOR the purpose of establishing a ~~Citizens an~~ Advisory Council on Environmental
4 Justice; establishing the membership, duties, purposes, and staffing of the Advisory
5 Council; requiring the Advisory Council to ~~develop a draft State Policy~~ issue a
6 report on Environmental Justice; requiring the Advisory Council to make a report
7 to certain persons by a certain date; providing for the effective date and termination
8 of this Act; and generally relating to the ~~Citizens~~ Advisory Council on
9 Environmental Justice.

10 BY adding to

11 Article 41 - Governor - Executive and Administrative Departments
12 Section 18-313
13 Annotated Code of Maryland
14 (1997 Replacement Volume)

15 **Preamble**

16 ~~WHEREAS, The General Assembly recognizes the importance of equal protection~~
17 ~~of the citizens of the State with regard to State action protecting the public health,~~
18 ~~welfare, and environment; and~~

19 ~~WHEREAS, Historical decisions on land use and siting of industrial development~~
20 ~~and its byproducts have placed an inordinate burden of environmental degradation on~~
21 ~~communities disadvantaged by ethnic background, low income, and ignorance; and~~

1 ~~WHEREAS, These decisions are perpetuated based on the current environmental~~
2 ~~and economic conditions of these communities, giving rise to issues of environmental~~
3 ~~justice; and~~

4 ~~WHEREAS, The State of Maryland has made significant efforts to support the~~
5 ~~redevelopment of brownfields areas, in order to clean up the degraded environment of~~
6 ~~affected communities and to provide new economic opportunities in those communities~~
7 ~~while preserving pristine areas from sprawl and pollution; and~~

8 ~~WHEREAS, Brownfields redevelopment is a major part of efforts throughout the~~
9 ~~nation to address issues of environmental justice; and~~

10 ~~WHEREAS, Equal protection of all of our citizens, including those in affected~~
11 ~~communities, may best be afforded by increasing the involvement of communities affected~~
12 ~~by regulatory programs, policies, and permit actions in their development, taking into~~
13 ~~account not only the physical health of the people and the environment, but also the~~
14 ~~social, economic, and psychological health of the communities; now, therefore,~~

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

17 **Article 41 - Governor - Executive and Administrative Departments**

18 18-313.

19 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
20 INDICATED.

21 (2) "ACTIVITY" INCLUDES ADOPTION OF REGULATIONS, PERMIT
22 ISSUANCE, SITING ACTIVITIES, AND ENFORCEMENT ACTIONS.

23 (3) "ADVISORY COUNCIL" MEANS THE ~~CITIZENS~~ ADVISORY COUNCIL
24 ON ENVIRONMENTAL JUSTICE.

25 (4) "AFFECTED COMMUNITY" MEANS THE ~~INDIVIDUALS WHO LIVE~~
26 ~~WITHIN A COMMUNITY AND WHO ARE~~ PEOPLE LIVING IN AN AREA AFFECTED BY
27 THE ACTIONS, ACTIVITIES, PROGRAMS, OR POLICIES OF A STATE UNIT, INCLUDING
28 PERMITTING DECISIONS, THAT HAVE AN IMPACT ON HUMAN HEALTH OR THE
29 ENVIRONMENT.

30 (5) "ENVIRONMENTAL JUSTICE" MEANS EQUAL PROTECTION FROM
31 ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS FOR ALL PEOPLE REGARDLESS
32 OF RACE, INCOME, CULTURE, AND SOCIAL CLASS.

33 (B) THERE IS ~~A CITIZENS~~ AN ADVISORY COUNCIL ON ENVIRONMENTAL
34 JUSTICE.

35 (C) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING ~~49~~ 15 MEMBERS:

36 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
37 PRESIDENT OF THE SENATE;

38 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
39 SPEAKER OF THE HOUSE;

3

1 ~~(3) THE ATTORNEY GENERAL, OR THE DESIGNEE OF THE ATTORNEY~~
2 ~~GENERAL;~~

3 ~~(4) (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE~~
4 ~~SECRETARY'S DESIGNEE;~~

5 ~~(5) (4) THE SECRETARY OF THE ENVIRONMENT, OR THE~~
6 ~~SECRETARY'S DESIGNEE;~~

7 ~~(6) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR~~
8 ~~THE SECRETARY'S DESIGNEE~~

9 (5) ONE REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF
10 COUNTIES;

11 ~~(7) THE SECRETARY OF BUSINESS AND EMPLOYMENT DEVELOPMENT,~~
12 ~~OR THE SECRETARY'S DESIGNEE~~

13 (6) ONE REPRESENTATIVE FROM THE MARYLAND MUNICIPAL LEAGUE;
14 AND

15 ~~(8) (7) 42 2 MEMBERS APPOINTED BY THE GOVERNOR, AS FOLLOWS:~~

16 (I) TWO INDIVIDUALS FROM EACH OF THE FOLLOWING
17 COMMUNITIES OF INTEREST:

18 1. ~~CIVIC~~ CIVIC COMMUNITY ASSOCIATIONS ESTABLISHED IN
19 AFFECTED COMMUNITIES;

20 2. NOT-FOR-PROFIT ADVOCACY GROUPS CONCERNED
21 WITH ~~THE HEALTH, WELFARE, AND THE~~ AND ENVIRONMENT OF AFFECTED
22 COMMUNITIES; AND

23 3. ~~HEALTH AND ENVIRONMENTAL PROFESSIONAL~~
24 ~~ORGANIZATIONS;~~

25 4. ~~CORPORATIONS AND INSTITUTIONS OF HIGHER~~
26 ~~EDUCATION IN THE STATE; AND~~

27 5. ~~A REPRESENTATIVE OF THE MARYLAND FARM BUREAU~~
28 STATE OR LOCAL BUSINESS ORGANIZATIONS.

29 (II) THREE MEMBERS AT LARGE.

30 (D) TO THE GREATEST EXTENT PRACTICABLE, THE MEMBERSHIP OF THE
31 ADVISORY COUNCIL SHALL BE APPOINTED TO ENSURE REGIONAL, ETHNIC,
32 ECONOMIC, AND GENDER DIVERSITY.

33 (E) THE GOVERNOR SHALL SELECT A CHAIRMAN FROM THE MEMBERS OF
34 THE ADVISORY COUNCIL.

35 (F) (1) THE ADVISORY COUNCIL SHALL HAVE ITS FIRST MEETING NO
36 LATER THAN JUNE 30, 1997 AT THE CALL OF THE CHAIRMAN.

37 (2) ~~THE ADVISORY COUNCIL SHALL MEET AT LEAST MONTHLY.~~

4

1 ~~(3)~~ THE ADVISORY COUNCIL MAY ESTABLISH SUBCOMMITTEES FROM
2 THE MEMBERS OF THE ADVISORY COUNCIL TO ACCOMPLISH THE DUTIES IMPOSED
3 BY THIS SECTION.

4 ~~(4)~~ (3) A MEMBER OF THE ADVISORY COUNCIL:

5 (I) MAY NOT RECEIVE COMPENSATION; BUT

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

8 ~~(5)~~ (4) A MEMBER MAY BE REMOVED FROM THE ADVISORY COUNCIL
9 FOR FAILURE TO ATTEND MEETINGS OF THE ADVISORY COUNCIL.

10 ~~(6)~~ (5) IN THE COURSE OF ITS EXAMINATION AND DEVELOPMENT OF
11 RECOMMENDATIONS, THE ADVISORY COUNCIL MAY HOLD MEETINGS IN DIFFERENT
12 PARTS OF THE STATE, AND MAY ENCOURAGE PARTICIPATION FROM ALL SECTORS
13 OF THE STATE.

14 (G) THE ADVISORY COUNCIL SHALL:

15 (1) EXAMINE ISSUES RELATING TO ENVIRONMENTAL JUSTICE;

16 (2) MAKE RECOMMENDATIONS ON ENVIRONMENTAL JUSTICE ISSUES
17 TO THE GOVERNOR AND THE GENERAL ASSEMBLY;

18 (3) ~~PROVIDE GUIDANCE~~ MAKE RECOMMENDATIONS TO STATE AND
19 LOCAL GOVERNMENT UNITS ~~IN IMPLEMENTING~~ REGARDING POLICIES RELATING
20 TO ENVIRONMENTAL JUSTICE; AND

21 (4) ~~DEVELOP A DRAFT STATE POLICY ON ENVIRONMENTAL JUSTICE;~~

22 ~~(5) DEVELOP IMPLEMENTATION TOOLS FOR STATE UNITS TO USE IN~~
23 ~~REVIEWING EXISTING ACTIVITIES, PROGRAMS, AND POLICIES AND IN DEVELOPING~~
24 ~~THEIR OWN ENVIRONMENTAL JUSTICE POLICIES;~~

25 ~~(6) RECOMMEND LEGISLATION AND EXECUTIVE POLICIES NEEDED TO~~
26 ~~IMPLEMENT A FINAL STATE POLICY ON ENVIRONMENTAL JUSTICE;~~

27 ~~(7) ASSIST IN COORDINATING STATE AND LOCAL ENVIRONMENTAL~~
28 ~~JUSTICE ACTIONS AND RESPONSES; AND~~

29 ~~(8)~~ STUDY AND MAKE RECOMMENDATIONS ON MEANS TO:

30 (I) INVOLVE AFFECTED COMMUNITIES IN COMMUNITY-BASED
31 PLANNING FOR ENVIRONMENTAL AND ECONOMIC ENHANCEMENT AND RELATED
32 COORDINATED STATE AND LOCAL ACTIVITIES, PROGRAMS, AND POLICIES;

33 (II) INCREASE EFFORTS TO INTEGRATE PUBLIC HEALTH AND
34 PLANNING FOR REVITALIZATION OF AFFECTED COMMUNITIES, ~~BOTH THROUGH~~
35 ~~BROWNFIELDS EFFORTS AND THROUGH OTHER STATE POLICIES AND PROGRAMS~~
36 ~~AFFECTING PUBLIC HEALTH, WELFARE, AND THE ENVIRONMENT;~~

5

1 (III) ENHANCE PUBLIC PARTICIPATION IN ~~POLICY~~
2 ENVIRONMENTAL JUSTICE DEVELOPMENT AND IMPLEMENTATION REGARDING
3 AFFECTED COMMUNITIES;

4 (IV) INCREASE THE AWARENESS AND SENSITIVITY OF STATE AND
5 LOCAL OFFICIALS TO ENVIRONMENTAL JUSTICE ISSUES;

6 (V) ASSESS THE IMPACT OF STATE POLICIES, PROGRAMS, AND
7 ACTIVITIES ON AFFECTED COMMUNITIES; AND

8 (VI) ENCOURAGE PUBLIC-PRIVATE PARTNERSHIPS TO ADDRESS
9 ENVIRONMENTAL JUSTICE ISSUES IN THE AFFECTED COMMUNITIES.

10 (H) ~~THE GOVERNOR SHALL PROVIDE OFFICE AND MEETING SPACE AND~~
11 ~~ADMINISTRATIVE STAFF SUPPORT TO THE ADVISORY COUNCIL.~~

12 ~~(H)~~ ON OR BEFORE JANUARY 1, 1999, THE ADVISORY COUNCIL SHALL SUBMIT
13 A REPORT ~~ITS DRAFT STATE POLICY~~ ON ENVIRONMENTAL JUSTICE AND ITS
14 RECOMMENDATIONS TO THE GOVERNOR, AND, SUBJECT TO § 2-1312 OF THE STATE
15 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 June 1, 1997. It shall remain effective for a period of 2 years and 1 month and, at the end
18 of June 30, 1999, with no further action required by the General Assembly, this Act shall
19 be abrogated and of no further force and effect.