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By: **Delegate Morhaim**

Introduced and read first time: March 4, 2002

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Noise Control**

3 FOR the purpose of altering the membership of the Environmental Noise Advisory  
4 Council and the Interagency Noise Control Committee; providing for staggered  
5 terms for members of the Environmental Noise Advisory Council; providing for  
6 certain duties of the Department of the Environment and the Council; and  
7 generally relating to the Environmental Noise Advisory Council and the  
8 Interagency Noise Control Committee.

9 BY repealing and reenacting, without amendments,  
10 Article - Environment  
11 Section 3-201 and 3-301  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Environment  
16 Section 3-202, 3-205, and 3-302  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 2001 Supplement)

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

21 **Article - Environment**

22 3-201.

23 There is an Environmental Noise Advisory Council in the Department.

24 3-202.

25 (a) (1) The Council consists of [5] 13 members, 11 VOTING MEMBERS  
26 appointed by the Secretary AND 2 EX OFFICIO MEMBERS.

1 (2) Of the [5] 13 Council members:

2 (i) 1 shall be appointed from a list of at least 3 qualified  
3 individuals submitted to the Secretary by the Acoustical Society of America AND THE  
4 INSTITUTE OF NOISE CONTROL ENGINEERING;

5 (ii) 1 shall be a physician who specializes in hearing, appointed  
6 from a list of at least 3 qualified individuals submitted to the Secretary by the  
7 Medical and Chirurgical Faculty of the State of Maryland;

8 (iii) 1 shall be appointed from a list of at least 3 qualified  
9 individuals submitted to the Secretary by the Chancellor of the University System of  
10 Maryland; [and]

11 (iv) [2] 3 shall be appointed from the [general] public AT LARGE;

12 (V) 1 SHALL BE APPOINTED FROM A LIST OF AT LEAST 3  
13 INDIVIDUALS SUBMITTED TO THE SECRETARY BY THE MARYLAND MUNICIPAL  
14 LEAGUE;

15 (VI) 1 SHALL BE APPOINTED FROM A LIST OF AT LEAST 3  
16 INDIVIDUALS SUBMITTED TO THE SECRETARY BY THE MARYLAND ASSOCIATION OF  
17 COUNTIES;

18 (VII) 2 SHALL BE APPOINTED FROM A LIST OF AT LEAST 3  
19 INDIVIDUALS SUBMITTED TO THE SECRETARY BY THE MARYLAND CHAMBER OF  
20 COMMERCE;

21 (VIII) 1 SHALL BE APPOINTED FROM AN ENVIRONMENTAL GROUP;

22 (IX) 1 EX OFFICIO MEMBER SHALL BE APPOINTED FROM THE  
23 SENATE BY THE PRESIDENT OF THE SENATE; AND

24 (X) 1 EX OFFICIO MEMBER SHALL BE APPOINTED FROM THE  
25 HOUSE OF DELEGATES BY THE SPEAKER OF THE HOUSE.

26 (3) [Before appointing the members from among the general public, the  
27 Secretary shall request and consider suggestions for nominees from:

28 (i) The Maryland State Chamber of Commerce;

29 (ii) The Maryland Transportation Federation;

30 (iii) The Maryland Environmental Trust; and

31 (iv) Any other environmental groups that the Secretary selects.

32 (4)] In making any appointment to the Council, the Secretary shall  
33 consider giving appropriate representation to the various geographical areas of this  
34 State.

1 (b) Each member of the Council shall be a resident of this State.

2 (c) (1) The term of a member is 5 years.

3 (2) The terms of members are staggered as required by the terms  
4 provided for members of the Council on [July 1, 1982] JULY 1, 2002. [The terms of  
5 those members end as follows:

6 (i) 1 in 1983;

7 (ii) 1 in 1984;

8 (iii) 1 in 1985;

9 (iv) 1 in 1986; and

10 (v) 1 in 1987.]

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

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

15 3-205.

16 (a) Before the Department [adopts] PROPOSES any CHANGES IN THE  
17 GOVERNING STATUTE OR REVISIONS TO THE environmental noise [standard or  
18 sound level limit] REGULATIONS, the Department shall [submit]:

19 (1) SUBMIT the proposed [environmental noise standard or sound level  
20 limit] REVISIONS to the Council for advice;

21 (2) ARRANGE FOR HEARINGS OR PRESENTATION BY PUBLIC OR  
22 BUSINESS INTERESTS; AND

23 (3) PREPARE OR SOLICIT TECHNICAL INPUT OR PRESENTATIONS ON  
24 ISSUES.

25 (b) Within 60 days after receiving a proposed [environmental noise standard  
26 or sound level limit] REVISION from the Department, the Council shall give the  
27 Department its advice on the proposal by recommending:

28 (1) Adoption;

29 (2) Rejection; or

30 (3) Modification.

31 (C) THE COUNCIL MAY PROVIDE GENERAL ADVICE TO THE DEPARTMENT ON  
32 ANY MATTER RELATING TO NOISE POLLUTION.

1 3-301.

2 There is an Interagency Noise Control Committee.

3 3-302.

4 (a) The Committee consists of:

5 (1) 1 member of the Governor's executive staff, appointed by the  
6 Governor; and

7 (2) 1 representative of each of the following departments, appointed by  
8 the Secretary of that department:

9 (i) The Department of the Environment;

10 (ii) The [State] Department of Transportation;

11 (iii) The Department of Natural Resources;

12 (iv) The Department of Planning OR THE OFFICE OF SMART  
13 GROWTH; [and]

14 (v) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

15 (VI) THE DEPARTMENT OF BUSINESS AND ECONOMIC  
16 DEVELOPMENT;

17 (VII) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;  
18 AND

19 (VIII) Any other principal department that develops, adopts, or  
20 enforces any noise control rule or regulation.

21 (b) The member who is appointed by the Secretary of the Environment is  
22 chairman of the Committee.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members  
24 of the Environmental Noise Advisory Council created by this Act who are appointed  
25 by the Secretary of the Environment shall expire as follows:

26 (1) 1 member in 2003;

27 (2) 1 member in 2004;

28 (3) 2 members in 2005; and

29 (4) 2 members in 2006.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2002.

