

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1207 (Delegate Bridges)
 Environment and Transportation Education, Health, and Environmental Affairs

**Environment - Commission on Environmental Justice and Sustainable
 Communities - Reform**

This bill makes several changes to the Commission on Environmental Justice and Sustainable Communities (CEJSC). The bill (1) alters the composition of the commission and provisions governing the appointment of members and the designation of the chair; (2) requires that, to the extent practicable, the membership must reflect the racial, gender, ethnic, and geographic diversity of the State, as specified; (3) requires the Maryland Department of the Environment (MDE) to provide new commission members with a specified orientation; (4) requires CEJSC to meet at least six times per calendar year, requires CEJSC to hold at least four “community listening sessions” per calendar year, and establishes meeting and community listening session requirements, as specified; and (5) alters and expands the required duties of CEJSC.

Fiscal Summary

State Effect: General fund expenditures increase by \$122,600 in FY 2022; future years reflect annualization and ongoing costs. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	122,600	143,200	147,500	152,800	158,300
Net Effect	(\$122,600)	(\$143,200)	(\$147,500)	(\$152,800)	(\$158,300)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to have a material, direct effect on local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: CEJSC, which is staffed by MDE, was established by executive order in 2001 and codified in 2003. Under current law, CEJSC consists of 20 members, some designated in statute (including 1 member of each chamber of the Maryland General Assembly, appointed by the President of the Senate and the Speaker of the House, respectively) and others appointed by the Governor. The bill expands the membership of the commission and alters the appointment process for specified commission members. The bill also requires that, to the extent practicable, the membership must reflect the racial, gender, ethnic, and geographic diversity of the State, as specified. The bill further specifies that a CEJSC member may not represent more than one ethnicity or group. Under current law, the Governor designates the chair of CEJSC. Under the bill, CEJSC must elect a chair from among its members. The bill requires MDE to provide new members with an orientation that reviews environmental justice issues in the State and the previous work of CEJSC.

Under current law, CEJSC must meet at the times and places that the chairman determines. Under the bill, CEJSC must (1) meet at least six times per calendar year and (2) host at least four community listening sessions per calendar year in communities disproportionately impacted by environmental and public health hazards, with a majority of the commission members present at each community listening session. A “community listening session” is a public convening to gather information and input from community members. In addition, the bill requires CEJSC to establish rotating meeting or community listening session locations in different geographic locations of the State. At least one meeting or community listening session must be in a rural location of the State and at least one must be in an urban location of the State. Under the bill, the meetings and community listening sessions must be reasonably accessible to all attendees, including for people with limited English proficiency and disabilities. MDE must post notice of the time and location of CEJSC meetings and community listening sessions on its website at least 30 days before the meeting or community listening session.

Current law requires CEJSC to (1) advise State agencies on “environmental justice” and related community issues; (2) review and analyze the impact of current State laws and policies on the issue of environmental justice and sustainable communities; (3) assess the adequacy of State and local laws to address the issue of environmental justice and sustainable communities; (4) coordinate with the Children’s Environmental Health and Protection Advisory Council on recommendations to further environmental justice and sustainable communities; (5) develop criteria to assess whether communities may be experiencing environmental justice issues; and (6) recommend options to the Governor for addressing issues, concerns, or problems related to environmental justice. “Environmental

justice” means equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.

The bill alters and expands these duties as follows:

- requires CEJSC to *use data sets and mapping tools* to review and analyze the impact of current State *and local* laws, *permits, actions,* and policies on the issue of environmental justice and sustainable communities, *including cumulative impacts effects, and exposure;*
- requires the current law assessment of the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities, to *include an assessment of compliance with Title VI of the Federal Civil Rights Act of 1964;*
- requires CEJSC to coordinate with the Maryland Office of Minority Health and Health Disparities and the Commission on Climate Change (in addition to the Children’s Environmental Health and Protection Advisory Council) on recommendations related to environmental justice and sustainable communities;
- repeals the requirement that CEJSC develop criteria to assess whether communities in the State may be experiencing environmental justice issues; and
- requires CEJSC to recommend options to the General Assembly (in addition to the Governor) for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention.

State Expenditures: General fund expenditures for MDE increase by \$122,648 in fiscal 2022, which accounts for the bill’s October 1, 2021 effective date. This estimate reflects the cost of hiring two administrators to handle the expanded duties of the commission, including (1) developing and administering the required orientation for new CEJSC members and (2) implementing the bill’s requirement to use data sets and mapping tools to review and analyze the impact of current State and local laws, permits, actions, and policies on the issue of environmental justice and sustainable communities. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. It is based on MDE’s experience staffing CEJSC and assumes that existing MDE staff are fully subscribed and cannot absorb the additional workload anticipated as a result of the bill.

Positions	2.0
Salaries and Fringe Benefits	\$111,485
Operating Expenses	<u>11,163</u>
Total FY 2022 State Expenditures	\$122,648

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 674 (Senator Elfreth, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of the Environment; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2021
rh/lgc Third Reader - March 26, 2021
Revised - Amendment(s) - March 26, 2021
Enrolled - April 14, 2021
Revised - Amendment(s) - April 14, 2021

Analysis by: Kathleen P. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510