

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Joint Resolution 4 (Senator Waldstreicher)
Education, Energy, and the Environment

Environmental Human Rights

This joint resolution reaffirms the principle enshrined in the Maryland Environmental Protection Act (MEPA) that every person has the fundamental and inalienable right to a healthful environment. It further resolves that the State must rededicate itself, its agencies, and all concerned stakeholders to furthering the development, implementation, and enforcement of environmental laws, practices, and policies, as called for by MEPA, for the benefit of both current and future generations.

Fiscal Summary

State Effect: Compliance with the joint resolution does not affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: MEPA (Title 1, Subtitle 3 of the Natural Resources Article) generally requires all State agencies to identify, develop, and adopt methods and procedures that will assure that (1) environmental amenities and values are given appropriate consideration in planning and decision making, along with economic and technical considerations; (2) studies are undertaken to develop and describe appropriate alternatives to present policies, programs, and procedures that involve significant adverse environmental effects or unresolved conflicts concerning uses of available resources; and (3) planning and decision making involving environmental effects are undertaken with the fullest

practicable provision of timely public information and understanding and in coordination with public and private organizations and individuals within jurisdiction by law, special expertise, or recognized interest.

MEPA further requires State agencies to prepare an environmental effects report in conjunction with each “proposed State action” significantly affecting the quality of the environment. An environmental effects report must include a discussion of (1) the effects of the proposed action on the environment, as specified; (2) measures that might be taken to minimize potential adverse environmental effects and maximize potential beneficial environmental effects, as specified; and (3) reasonable alternatives to the proposed action that might have less adverse environmental effects or greater beneficial environmental effects, including the alternative of no action. A “proposed State action” under MEPA is a request for legislative appropriations or other legislative actions that will alter the quality of the air, land, or water resources. The Secretary of Natural Resources must issue guidelines to assist State agencies in the preparation of environmental effects reports.

MEPA includes the following broad declaration of policy: (1) the protection, preservation, and enhancement of the State’s diverse environment is necessary for the maintenance of the public health and welfare and the continued viability of the State’s economy and is a matter of the highest public priority; (2) all State agencies must conduct their affairs with an awareness that they are stewards of the air, land, water, living and historic resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations; (3) each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to contribute to the protection, preservation, and enhancement of the environment; (4) it is the continuing policy of the State to cooperate with the federal government, other states, the District of Columbia, the political subdivisions of the State, and other concerned public and private organizations and individuals, in a manner calculated to protect, preserve, and enhance the environment; (5) the determination of an optimum balance between economic development and environmental quality requires the most thoughtful consideration of ecological, economic, developmental, recreational, historic, architectural, aesthetic, and other values; (6) beneficial environmental effects of proposed actions can be identified and measures devised to obtain these benefits if environmental evaluations are made a part of the decision making process of the State; (7) adverse environmental effects of proposed actions can be anticipated, minimized, and often eliminated if environmental evaluations are made as part of the decision making processes of the State; (8) environmental effects reports can facilitate the fullest practicable provision of timely public information, understanding, and participation in the decision making processes of the State; (9) the General Assembly has an obligation to the people of Maryland to review and evaluate proposed appropriations and other proposed legislation and the conduct of State agencies in carrying out the policy

set forth in MEPA; and (10) the policies, rules, regulations, and public laws of the State must be interpreted and administered in accordance with the policies set forth in MEPA.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HJ 1 (Delegate Boyce) - Rules and Executive Nominations.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of the Environment; Department of Natural Resources; Department of Legislative Services

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