

# **APPENDIX A**

**House Bill 1350**

**CHAPTER 741**

**(House Bill 1350)**

**AN ACT concerning**

**Citizens Advisory Council on Environmental Justice**

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

**BY** adding to

**Article 41 – Governor – Executive and Administrative Departments**

**Section 18-313**

**Annotated Code of Maryland**

**(1997 Replacement Volume)**

**Preamble**

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

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

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

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

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

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

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

Article 41 - Governor - Executive and Administrative Departments

18-313.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(8) (7) 12 2 MEMBERS APPOINTED BY THE GOVERNOR, AS FOLLOWS:~~

~~(1) TWO INDIVIDUALS FROM EACH OF THE FOLLOWING COMMUNITIES OF INTEREST:~~

~~1. GPWG COMMUNITY ASSOCIATIONS ESTABLISHED IN AFFECTED COMMUNITIES;~~

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

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

~~4. CORPORATIONS AND INSTITUTIONS OF HIGHER EDUCATION IN THE STATE, AND~~

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

~~(II) THREE MEMBERS AT LARGE.~~

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

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

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

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

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

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

~~(1) MAY NOT RECEIVE COMPENSATION; BUT~~

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

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

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

(G) THE ADVISORY COUNCIL SHALL:

(1) EXAMINE ISSUES RELATING TO ENVIRONMENTAL JUSTICE;

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

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

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

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

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

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

(8) STUDY AND MAKE RECOMMENDATIONS ON MEANS TO:

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

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

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

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

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

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

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

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

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

Approved May 22, 1997.