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HOUSE BILL NO. 1042

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.13, relating to environmental justice council.*

Patrons—Herring and Keam

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.13, as follows:

*Article 36.**Virginia Council on Environmental Justice.***§ 2.2-2699.8. Definitions.**

For purposes of this article, unless the context requires a different meaning:

"Council" means the Virginia Council on Environmental Justice established pursuant to this article.

"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, faith, national origin, or income, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.

"Fair treatment" means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an environmental decision.

"Meaningful involvement" means the requirements that (i) affected and vulnerable community residents have a realistic opportunity to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health and (ii) decision-makers will seek out and consider such participation, allowing it to shape and influence the decision.

"Resilience" means, as it pertains to climate change, the ability to anticipate, prepare for, and adapt to changing conditions and to withstand, respond to, and recover rapidly from disruptions through adaptable planning and climate solutions.

§ 2.2-2699.9. Virginia Council on Environmental Justice.

The Virginia Council on Environmental Justice is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise the Governor and provide recommendations that maintain a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution.

§ 2.2-2699.10. Membership; terms; quorum; meetings.

A. The Council shall have a total membership of 24 members that shall consist of 18 nonlegislative citizen members and six ex officio members. Nonlegislative citizen members shall be appointed by the Governor. The Secretaries of Natural Resources, Commerce and Trade, Agriculture and Forestry, Health and Human Resources, Education, and Transportation or their designees, including their agency representatives, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth.

Ex officio members of the Council shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Nonlegislative citizen members shall be appointed for a term of three years.

B. The Governor shall designate a chairperson and vice-chairperson from among the membership of the Council. A majority of the members shall constitute a quorum. The meetings of the Council shall be held at the call of the chairperson or whenever the majority of the members so request.

C. The Council shall meet quarterly and shall establish a meeting schedule on an annual basis. When possible, the location of the meetings shall rotate among different geographic regions. When possible, meetings shall be broadcast on the Internet or via teleconference. Each meeting shall include an in-person public comment component.

The Council may provide for the creation of subcommittees. Any subcommittee meetings shall be scheduled with notification to the full Council.

§ 2.2-2699.11. Compensation; expenses; staffing.

A. Members of the Council shall receive no compensation for their services but shall be reimbursed

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59 for all reasonable and necessary expenses incurred in the performance of their duties as provided in
60 §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the
61 Secretary of Natural Resources.

62 B. The Office of the Governor and the Secretary of Natural Resources shall provide staff support to
63 the Council. All agencies of the Commonwealth shall provide assistance to the Council, upon request.

64 **§ 2.2-2699.12. Powers and duties of the Council.**

65 The Council shall have the following powers and duties:

66 1. Advise and provide recommendations to the Governor regarding the development of policies and
67 procedures, focusing on equality and equity, to ensure that environmental justice issues are heard and
68 addressed as the Commonwealth evolves, as impacts of climate change increase, and as new
69 environmental justice issues emerge. The Council shall provide advice and recommendations to the
70 Governor and his cabinet on:

71 a. Integrating environmental justice considerations throughout the Commonwealth's programs,
72 regulations, policies, and procedures;

73 b. Strengthening partnerships on environmental justice among governmental agencies, including
74 federal, tribal, and local governments;

75 c. Incorporating potential solutions to environmental justice issues related to stakeholder
76 communication, local governments, climate change and resilience, transportation, clean energy, outdoor
77 access, and cultural preservation;

78 d. Enhancing research and assessment approaches related to environmental justice and identifying
79 potential risks or disproportionate public health impacts related to environmental pollution, particularly
80 those that threaten or could threaten low-income and historically underserved communities;

81 e. Receiving comments, concerns, and recommendations from individuals throughout the
82 Commonwealth; and

83 f. Recommending statutory, regulatory, or executive action, or relevant improvements or additions,
84 for consideration to better address environmental justice issues.

85 2. Submit an annual report to the Governor and the General Assembly for publication as a report
86 document as provided in the procedures of the Division of Legislative Automated Systems for the
87 processing of legislative documents and reports. The chairperson shall submit to the Governor and the
88 General Assembly an annual executive summary of the interim activity and work of the Council no later
89 than the first day of each regular session of the General Assembly starting in 2021. The executive
90 summary shall be submitted as a report document as provided in the procedures of the Division of
91 Legislative Automated Systems for the processing of legislative documents and reports and shall be
92 posted on the General Assembly's website.

93 3. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private
94 sources, including any matching funds designated in an appropriation act, to enable it to better carry
95 out its objectives.

96 **§ 2.2-2699.13. Sunset.**

97 This chapter shall expire on July 1, 2023.