RECALLED

April 21, 2010

**H. 4746**

Introduced by Reps. Mitchell, Loftis, Harrell, Knight, V.S. Moss and McLeod

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Read the first time March 16, 2010.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 1 SO AS TO CREATE THE “SOUTH CAROLINA ENVIRONMENTAL JUSTICE EQUITABLE REDEVELOPMENT COMMISSION” AND THE SOUTH CAROLINA INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE, AN ADVISORY COMMITTEE TO THE COMMISSION, AND TO PROVIDE FOR THEIR MEMBERS, POWERS, AND DUTIES.

Whereas, the South Carolina Environmental Justice Advisory Committee was formed by Act 171 in 2007; and

Whereas, the committee was charged with finding the current status of programs and policies that pertain to environmental justice within state agencies and making recommendations as these programs and policies pertain to environmental justice, economic development, and revitalization; and

Whereas, the committee worked closely with the Federal Interagency Working Group on Environmental Justice; and

Whereas, the committee held numerous meetings over the past two years and met with local governments, industry and business, state agencies, and the public to receive input and concerns on environmental justice and related issues; and

Whereas, the committee found an absence of awareness and understanding of environmental justice issues and possible resources to resolve these issues; and

Whereas, the committee found that it is incumbent upon the State to achieve environmental justice through its governments, communities, citizens, industries, and agencies by partnering to promote healthy communities, along with clean and safe ecosystems; and

Whereas, further the committee found and recommends that all South Carolinians, regardless of race, age, culture, income, or geographic location should be protected from inequitable environmental and health hazards and should be afforded accessibility to and fair treatment in our decision‑making processes to enhance all aspects of the quality of life for South Carolinians; and

Whereas, the committee gathered information from state agencies on environmental justice and related issues to determine the status and implementation of any environmental justice policies or guidance or services. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Article 9

Environmental Justice Equitable Redevelopment Commission

Section 1‑11‑1310. For purposes of this chapter ‘Environmental Justice’ means the fair treatment and meaningful involvement of all people with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies and working toward increasing prosperity of all South Carolinians.

Section 1‑11‑1320. (A) There is created the South Carolina Environmental Justice Equitable Redevelopment Commission to be comprised of:

(1) the Chairman of the House of Representatives Agriculture, Natural Resources and Environmental Affairs Committee, who shall serve as a co‑chairperson of the commission;

(2) the Chairman of the Senate Medical Affairs Committee, who shall serve as a co‑chairperson of the commission;

(3) two members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(4) two members of the Senate to be appointed by the President Pro Tempore of the Senate;

(5) the Commissioner of the Department of Health and Environmental Control;

(6) the Director of the Department of Commerce;

(7) the Director of the Department of Transportation;

(8) four members of the public;

(9) two local government representatives;

(10) one council of government representative;

(11) six business or industry representatives;

(12) one person representing a university;

(13) one person representing a historically black college or university;

(14) one person representing a technical college.

Members provided for in items (8) through (14) must be appointed by the co‑chairpersons of the committee.

(B)(1) The commission initially shall analyze the comments and recommendations in the final report of the South Carolina Environmental Justice Advisory Committee, which was formed by Act 171 of 2007, and shall study the issues recognized in the report and identify barriers to addressing these issues and actions necessary to resolve these issues and to determine optimal methods for implementation.

(2) The commission shall foster economic development and revitalization in distressed areas across the State. The commission shall hold biannual meetings, and staff from the House of Representatives and the Senate shall provide staff support to the commission.

(3) The commission shall undertake to educate state agencies, local governments, and the public on environmental justice issues and concerns which may include, but are not limited to:

(a) assisting state agencies, and upon request local governments, in developing environmental justice policies and establishing program coordinators;

(b) encouraging public participation initiatives for projects and for the mediation and resolution of environmental justice issues;

(c) establishing an ‘abandoned site initiative’, focusing on revitalizing abandoned sites, such as abandoned mills and gas stations, including encouraging public‑private partnerships for revitalization projects;

(d) identifying ways to encourage job creation through alternative energy projects in distressed areas;

(e) developing an education platform, including public service campaigns and showcasing environmental justice projects undertaken by the commission and other entities.

(C) The commission may establish such subcommittees as the commission may find necessary.

Members of the subcommittees must be appointed by the co‑chairpersons of the commission and may include members from outside the membership of the commission.

Each subcommittee shall study the issues relevant to their respective subcommittee and shall identify actions necessary to resolve these issues and barriers to resolution.

Section 1‑11‑1330. (A) There is created the South Carolina Interagency Working Group on Environmental Justice (IWG), which shall serve as an advisory committee to the commission. This advisory committee is comprised of the commissioner, executive director, or head, or a designee, of each of the following:

(1) Office of the Attorney General;

(2) Department of Agriculture;

(3) Department of Commerce;

(4) Department of Education;

(5) Department of Health and Environmental Control;

(6) Department of Health and Human Services;

(7) Department of Labor, Licensing and Regulation;

(8) Department of Natural Resources;

(9) Department of Parks, Recreation and Tourism;

(10) Department of Public Safety;

(11) Department of Transportation;

(12) University of South Carolina, Arnold School of Public Health;

(13) Clemson University’s Public Service Authority;

(14) South Carolina State University’s Public Service Authority;

(15) State Ports Authority;

(16) State Energy Office;

(17) Lieutenant Governor’s Office on Aging;

(18) State Housing Finance and Development Authority.

The IWG must be staffed by an office or division in the State Budget and Control Board determined by the executive director of the board to be most appropriate.

(B) The goal of the IWG is to assist the commission and communities selected by the commission by providing resources and support. The IWG members shall act under the direction of the commission and assist the commission in the implementation of and in furtherance of the commission’s mission. The IWG shall attend commission meetings.”

SECTION 2. This act takes effect upon approval by the Governor.

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