

**2SSB 5141 - S AMD 261**

By Senator Mullet

WITHDRAWN 03/01/2021

1 Beginning on page 10, line 15, strike all of section 16 and  
2 insert the following:

3 "NEW SECTION. **Sec. 16.** ENVIRONMENTAL JUSTICE OBLIGATIONS OF  
4 AGENCIES RELATING TO BUDGETS AND FUNDING. (1) An agency must  
5 incorporate environmental justice principles into its decision  
6 processes for budget development, making discretionary expenditures  
7 such as grants, loans, or contracts, granting or withholding  
8 discretionary benefits, and equitably distribute discretionary  
9 funding and expenditures such as grants, loans, or contracts towards  
10 overburdened communities and vulnerable populations, consistent with  
11 the guidelines issued by and in iterative consultation with the  
12 council in section 20 of this act.

13 (2) By July 1, 2023, the agency must:

14 (a) Focus discretionary expenditures on creating environmental  
15 benefits, including eliminating health burdens, creating community  
16 and population resilience, and improving the quality of life of  
17 overburdened communities and vulnerable populations;

18 (b) Create opportunities for overburdened communities and  
19 vulnerable populations to meaningfully participate in agency  
20 discretionary spending and expenditure decisions;

21 (c) Clearly articulate environmental justice goals and assessment  
22 metrics to communicate where, why, and how discretionary funds are to  
23 be distributed;

24 (d) Consider a broad scope of discretionary grants and  
25 contracting opportunities that effectuate environmental justice  
26 principles, including:

27 (i) Community grants to monitor pollution;

28 (ii) Grants focused on building capacity and providing training  
29 for community scientists and other staff;

30 (iii) Technical assistance for communities that may be new to  
31 receiving agency grant funding; and

1 (iv) Education and work readiness youth programs focused on  
2 infrastructure or utility-related internships to develop career paths  
3 for youth and, eventually, community leaders; and

4 (e) Establish a goal of 40 percent of discretionary expenditures  
5 that create environmental benefits that are directed to vulnerable  
6 populations and overburdened communities.

7 (3) An agency may develop rules for criteria and procedures  
8 applicable to incorporating environmental justice principles in  
9 discretionary expenditure decisions under this section.

10 (4) In incorporating environmental justice principles into its  
11 decision processes for budget development, making discretionary  
12 expenditures, granting or withholding discretionary benefits, and  
13 distributing discretionary funding, the agency must consider any  
14 guidelines developed by the council pursuant to section 20 of this  
15 act.

16 (5) This section does not apply to appropriations for  
17 specifically identified projects contained or referenced in an  
18 omnibus appropriations act or reappropriations for such  
19 projects. This section does not prohibit the legislature from  
20 supplementing or exempting a project or program from the review in  
21 this section in an omnibus appropriations act. However, nothing in  
22 this section may be construed to preclude an agency from applying the  
23 provisions of this section to proposed projects submitted to the  
24 legislature for funding approval."

EFFECT: Restricts the agency expenditure and funding provisions  
of section 16 to an agency's discretionary expenditure and funding  
decisions.

States that the budget and funding provisions of section 16 do  
not apply to appropriations for specifically identified projects  
contained or referenced in an omnibus appropriations act, including  
project reappropriations.

States that the Legislature may supplement or exempt a project or  
program from the environmental justice review in section 16 in an  
omnibus appropriations act.

States that an agency is not precluded from following the budget  
and funding provisions of section 16 when submitting proposed  
projects to the Legislature for funding approval.

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