

2023 -- H 6357

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CREATING GREEN JUSTICE
ZONES AND FURTHERING ENVIRONMENTAL JUSTICE

Introduced By: Representatives Morales, Henries, Stewart, Giraldo, J. Lombardi,
Sanchez, Speakman, Batista, Cruz, and Biah

Date Introduced: May 03, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 17.11

4 GREEN JUSTICE ZONES AND ENVIRONMENTAL JUSTICE

5 **42-17.11-1. Definitions.**

6 As used in this chapter, the following terms shall have the following meanings:

7 (1) "Additional environmental remediation project" means the item in the list of available
8 environmental remediation projects which received fewer votes than the selected environmental
9 remediation project, but more votes than every other item in the list of available environmental
10 remediation projects, during the most recent environmental justice referendum.

11 (2) "Available environmental remediation projects" means the list of environmental
12 remediation projects enumerated in § 42-17.11-9.

13 (3) "Board" means the board of the green justice zone.

14 (4) "Chemical manufacturing plant" means a facility that produces or processes chemicals
15 for wholesale or retail distribution.

16 (5) "Chemical storage facility" means a facility that stores chemicals which are intended
17 for wholesale or retail distribution.

18 (6) "Community meetings" means the series of community meetings described in § 42-

1 17.11-10.

2 (7) "Council" means the coastal resources management council (CRMC).

3 (8) "Cumulative impacts" means an exposure, public health or environmental risk, or other
4 effect occurring in a specific geographical area, including from any environmental pollution
5 emitted or released routinely, accidentally, or otherwise, from any source, and assessed based on
6 the combined past, present, and reasonably foreseeable emissions and discharges affecting the
7 geographical area. "Cumulative impacts" shall be evaluated based on any applicable guidance
8 issued by the department.

9 (9) "Department" means the department of environmental management (DEM).

10 (10) "Director" means the director of the DEM.

11 (11) "Employment administrator" means the employment administrator appointed by the
12 board, as provided in § 42-17.11-6.

13 (12) "Environmental justice" means that all individuals are afforded the right to equitable
14 access to environmental benefits; proportionate distribution of environmental burdens; fair and
15 equitable treatment and meaningful involvement in decision-making processes and the
16 development, implementation, and enforcement of environmental laws, regulations, and policies;
17 and recognition of the unique needs of individuals of all race, color, income, class, ability status,
18 gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English
19 language proficiency. Environmental justice redresses structural and institutional racism,
20 colonialism, and other systems of oppression that result in the marginalization, degradation,
21 disinvestment, and neglect of black, indigenous, and communities of color. Environmental justice
22 requires prioritizing resources for community revitalization, ecological restoration, resilience
23 planning, and a just recovery to communities most impacted by environmental injustices and
24 natural disasters.

25 (13)(i) "Environmental justice population" means a census block group that meets one or
26 more of the following criteria:

27 (A) Annual median household income is not more than fifty-five percent (55%) of the
28 statewide annual median household income;

29 (B) People of color or indigenous peoples population is equal to or greater than twenty-
30 five percent (25%) of the population;

31 (C) Twenty percent (20%) or more of the households lack English language proficiency;

32 or

33 (D) Is comprised of an indigenous people or tribal reservation.

34 (ii) For a census block group that does not meet said criteria, but a geographic portion of

1 that neighborhood meets at least one criterion, the commissioner may designate that geographic
2 portion as an environmental justice population upon the petition of at least ten (10) residents of the
3 geographic portion of that neighborhood meeting any such criteria.

4 (14) "Environmental remediation workers" means workers who work on the selected
5 environmental remediation project or the additional environmental remediation project within the
6 green justice zone, including employees, contractors, and subcontractors.

7 (15) "Fair treatment" means no group of people should bear a disproportionate share of the
8 negative environmental consequences resulting from industrial, governmental, or commercial
9 operations or policies.

10 (16) "Fossil fuel storage facility" means a facility that stores fossil fuel for wholesale
11 distribution.

12 (17) "Green justice zone" means the special district encompassing the geographic area that
13 is established by the green justice zone board.

14 (18) "Meaningful involvement" means:

15 (i) People have an opportunity to participate in decisions about activities that may affect
16 their environment and/or health;

17 (ii) The public's contribution can influence the regulatory agency's decision;

18 (iii) Community concerns will be considered in the decision-making process; and

19 (iv) Decision makers will seek out and facilitate the involvement of those potentially
20 affected.

21 (19) "Permit" means any permit, registration, or license issued by the department or council
22 establishing the regulatory and management requirements for a regulated activity as authorized by
23 federal law or state law where there is a possibility of cumulative impacts in an environmental
24 justice focus area, including any consistency determination made by the council.

25 (20) "Permitted activity" means:

26 (i) Permitting for any of the following facilities:

27 (A) Electric generating facility;

28 (B) Resource recovery facility or incinerator;

29 (C) Sludge combustor facility or incinerator;

30 (D) Sewage treatment plant;

31 (E) Transfer station, recycling center, or other solid waste facility;

32 (F) Landfill, including, but not limited to, a landfill that accepts ash, construction or
33 demolition debris, or solid waste;

34 (G) Medical waste incinerator;

1 [\(H\) Pyrolysis or gasification facility;](#)

2 [\(I\) Scrap metal facilities;](#)

3 [\(J\) Asphalt businesses;](#)

4 [\(K\) Auto salvage facilities; or](#)

5 [\(L\) Petroleum storage facilities.](#)

6 [\(ii\) Any other activity, including permit renewals or amendments, falling under the](#)
7 [regulatory authority of the department or council that has the possibility of increasing the](#)
8 [cumulative impacts in an environmental justice focus area as defined in this chapter, including, but](#)
9 [not limited to, a major source of air pollution, as defined by the federal Clean Air Act, 42 U.S.C. §](#)
10 [7401 et seq., or a source of water pollution, as defined by the federal Clean Water Act, 33 U.S.C.](#)
11 [§ 1362\(6\).](#)

12 **42-17.11-2. Establishment of green justice zones.**

13 [\(a\) There are hereby created special districts each to be known as a green justice zone that](#)
14 [collectively are part of the green justice zone program.](#)

15 [\(b\) Green justice zones seek to achieve health equity, improve quality of life, and climate](#)
16 [resilience in environmental justice populations through leadership of residents in the green justice](#)
17 [zone. Green justice zones use a collaborative governance model with environmental justice](#)
18 [populations to make investments in sustainability and equity in neighborhoods that have been](#)
19 [disinvested in and are overburdened by pollution.](#)

20 **42-17.11-3. Green justice zone board.**

21 [\(a\) The board of green justice zones shall consist of five \(5\) board members each of whom](#)
22 [shall have direct experience living or working in an overburdened community.](#)

23 [\(b\) All functions, services, and duties of the green justice zone shall be carried out by the](#)
24 [board, including:](#)

25 [\(1\) With regard to the operations, maintenance, and management of the green justice zone](#)
26 [program; and](#)

27 [\(2\) With regard to the employees employed to complete work related to the green justice](#)
28 [zone program.](#)

29 [\(c\) Three \(3\) members of the board shall constitute a quorum and a vote of three \(3\)](#)
30 [members shall be necessary for any action taken by the board.](#)

31 [\(d\) All meetings of the board shall be subject to chapter 46 of title 42 \(the "open meetings"\).](#)

32 **42-17.11-4. Powers of the green justice zone board.**

33 [\(a\) The board shall have the authority to identify green justice zones located in any](#)
34 [municipality in the state after seeking input from residents of environmental justice populations](#)

1 and ensuring that green justice zones include locations that meet at least one criterion for
2 designation as an environmental justice population.

3 (b) The board shall vote on funding and resource allocation in green justice zones for
4 environmental remediation projects, development of microgrids, distributed energy resources,
5 climate resiliency, weatherization, energy efficiency, electrification of buildings or transportation.
6 The board shall recommend contracts and contractors for work performed in a green justice zone
7 to achieve any purpose of the green justice zone program. The board may delegate these powers.

8 **42-17.11-5. Election of the green justice zone board.**

9 (a) Five (5) months after the effective date of this chapter, and every two (2) years
10 thereafter, there shall be an election by ballot, organized by the secretary of state, to elect the board
11 of the green justice zone. The five (5) candidates who receive the highest number of votes in an
12 election shall be elected to the board.

13 (b) For the initial election of board members, all registered voters in environmental justice
14 populations shall be eligible to vote to elect the inaugural five (5) board members. For the second
15 and subsequent elections, all registered voters who reside within the green justice zone shall be
16 eligible to vote in an election to elect the board of the green justice zone.

17 (c) For the second and subsequent elections, no individual shall be eligible to be a board
18 member of the green justice zone unless they have been a resident of the green justice zone for the
19 past five (5) years, continuously.

20 (d) A board member of the green justice zone shall, at all times, be a resident of the green
21 justice zone for the entirety of the time that they serve as a board member.

22 (e) Board members shall receive an annual salary equivalent to one hundred forty percent
23 (140%) of the statewide per capita income as determined by the U.S. Census Bureau.

24 (f) The board shall ensure that each board member receives health insurance and dental
25 insurance.

26 **42-17.11-6. Appointment of employees to serve the green justice zone board.**

27 (a) The board shall appoint an employment administrator who shall be the appointing
28 authority for all employees of the board.

29 (b) The employment administrator may hire employees and contractors to carry out tasks
30 pertaining to the mission, purpose, and duties of the green justice zone or to perform administrative
31 or custodial tasks for the green justice zone. The employment administrator may dismiss employees
32 and contractors.

33 (c) The board may dismiss an employment administrator at any time and for any lawful
34 reason.

1 (d) The employment administrator shall make all feasible, appropriate, and lawful efforts
2 to ensure diversity among the employees of the board, including with regard to race, color, national
3 origin, religion, sex, sexual orientation, gender identity or expression, marital status, military status
4 as a veteran with an honorable discharge or an honorable or general administrative discharge,
5 service member in the armed forces, country of ancestral origin, disability, age, housing status,
6 familial status, or immigration status.

7 **42-17.11-7. Compensation of employees.**

8 The employment administrator shall determine annual compensation and benefits for all
9 employees, contractors, and subcontractors of the board; provided that, no employee, contractor,
10 or subcontractor earns less than one hundred forty percent (140%) of the statewide per capita
11 income as determined by the U.S. Census Bureau; and provided that, every employee shall receive
12 health insurance, dental insurance, at least two (2) weeks of paid vacation time, and at least one
13 paid sick day off of work for every twenty (20) days in which they work more than six (6) hours.

14 **42-17.11-8. Receipt and use of funds.**

15 (a) The board shall have the authority to receive and expend monies from any sources,
16 public or private, including, but not limited to, legislative enactments, bond issues, devises, grants,
17 or bequests. The board is authorized to enter into any contracts necessary to obtain and expend
18 those funds.

19 (b) The board shall appoint a treasurer to receive and expend monies, and to enter into any
20 contracts necessary to obtain and expend funds. The treasurer shall be a full-time employee.

21 (c) The board may dismiss a treasurer at any time and for any lawful reason.

22 **42-17.11-9. Available environmental remediation projects and climate mitigation and**
23 **resiliency projects within the green justice zone.**

24 (a) The following items constitute the full and complete list of available environmental
25 remediation projects:

26 (1) Improving ventilation and air filtration in residential homes and residential buildings
27 within the green justice zone;

28 (2) Installing photovoltaic solar panels on residential homes and residential building within
29 the green justice zone;

30 (3) Retrofitting residential homes and residential buildings within the green justice zone to
31 improve their energy efficiency;

32 (4) Replacing lead service pipes connected to residential homes and residential buildings
33 within the green justice zone;

34 (5) Lead abatement in soil or paint within the green justice zone;

- 1 (6) Cleaning up pollution within the green justice zone; and
2 (7) Cultivating public green spaces within the green justice zone.
3 (b) The following items constitute a partial list of climate mitigation and resiliency projects:
4 (1) Development of microgrids;
5 (2) Installation of distributed energy resources;
6 (3) Blue carbon climate adaptation projects;
7 (4) Preservation and maintenance of mature trees;
8 (5) Planting trees;
9 (6) Adding green and open space;
10 (7) Increasing pervious surface;
11 (8) Pre-weatherization, weatherization, and energy efficiency services; and
12 (9) Electrification of buildings or transportation.

13 **42-17.11-10. Community meetings and discussion.**

14 (a) The green justice zone board shall organize no fewer than six (6) community meetings
15 in which green justice zone residents shall have the opportunity to discuss the relative merits of
16 different options within the available environmental remediation projects. The final community
17 meeting shall take place within eight (8) months of the effective date of this chapter.

18 (b) The green justice zone board shall provide a clean, well-lit venue easily accessible to
19 zone residents for the community meetings. The treasurer shall pay the full and complete cost of
20 securing the venue as well as any reasonable transportation expenses incurred by zone residents
21 traveling to the venue.

22 (c) The green justice zone board shall ensure that each community meeting has at least one
23 translator capable of translating between English and any other language spoken by at least five
24 percent (5%) of the Rhode Island population, as determined by the U.S. Census Bureau. The
25 translator shall receive an hourly wage that is not less than the quotient of one divided by one
26 thousand nine hundred twenty (1÷1,920), multiplied by one hundred forty percent (140%) of the
27 statewide per capita income, as calculated by the U.S. Census Bureau, and not more than the
28 quotient of one divided by one thousand nine hundred twenty (1÷1,920), multiplied by one hundred
29 eighty percent (180%) of the statewide per capita income, as calculated by the U.S. Census Bureau.
30 The treasurer shall pay the full and complete cost of the translator's fee.

31 (d) Green justice zone residents shall not be charged for any costs related to organizing a
32 community meeting.

33 (e) Green justice zone residents shall receive no less than twenty dollars (\$20.00) and no
34 more than twenty-five dollars (\$25.00) for each hour that they spend attending a community

1 meeting, unless they opt to forego the stipend.

2 (f) The green justice zone board shall ensure that each community meeting includes
3 nutritious food and clean drinking water, freely available to all zone residents in attendance at the
4 community meeting.

5 **42-17.11-11. Implementation of environmental remediation projects.**

6 (a) The selected environmental remediation project shall be implemented by the green
7 justice zone board as promptly as possible.

8 (b) The treasurer shall pay the complete costs of completing the selected environmental
9 remediation project and, if applicable, the additional environmental remediation project.

10 (c) If, after fully completing the selected environmental remediation project, the treasurer
11 has remaining funds earmarked for the green justice zone program, the treasurer shall use the
12 remaining funds to implement or partially implement the additional environmental remediation
13 project. None of the environmental remediation projects enumerated in §§ 42-17.11-9(a)(1) through
14 42-17.11-9(a)(4), inclusive, shall be considered complete unless they have been offered to every
15 residential homeowner and every residential building owner within the green justice zone.

16 (d) To implement the selected environmental remediation project or the additional
17 environmental remediation project, the employment administrator may hire environmental
18 remediation workers.

19 **42-17.11-12. Consent required.**

20 The green justice zone board established in § 42-17.11-3, shall not perform any
21 environmental remediation project on a residential home without that homeowner's informed
22 consent, nor shall the board change or modify a residential home, install anything on a residential
23 home, or remove anything from a residential home as part of an environmental remediation project
24 without obtaining the homeowner's informed consent.

25 **42-17.11-13. Permit requirements and cumulative impacts assessment in an**
26 **environmental justice population.**

27 (a) The department shall not approve or issue a permit to construct or operate an activity
28 in an environmental justice population or within one-half (½) mile of an environmental justice
29 population unless:

30 (1) The applicant contacts community-based organizations, abutters, elected officials, and
31 other impacted stakeholders at least forty-five (45) days prior to filing an application to share
32 information about the project and the applicant responds to community concerns and ideas before
33 filing a permit application;

34 (2) The applicant prepares a report assessing the environmental impact of the proposed

1 permitted activity, including any cumulative impacts on the environmental justice population, any
2 adverse environmental effects that cannot be avoided should the permit be granted, and the public
3 health impact on the environmental justice population of the proposed permitted activity;

4 (3) The applicant transmits the report required to be prepared pursuant to subsection (a)(2)
5 of this section at least thirty (30) days in advance of the public hearing required pursuant to
6 subsection (a)(4) of this section to the department or council, the governing body and the clerk of
7 the municipality in which the environmental justice population is located, and the designated
8 representative of the environmental justice population. The report shall be made available to the
9 public at least thirty (30) days prior to the public hearing required pursuant to subsection (a)(4) of
10 this section;

11 (4) The department conducts a public hearing that provides for the fair treatment and
12 meaningful involvement of the public. The permit applicant shall publish public notices of the
13 hearing in a newspaper with statewide circulation and through the department's website and through
14 a newspaper, newsletters and other media that specifically focus on the community near the site
15 not less than twenty-one (21) days prior to the hearing. When appropriate to ensure language access
16 for limited English proficient speakers, the notices shall be translated and published in other
17 languages spoken by impacted residents, which shall be publicly available at the same time as the
18 English notice;

19 (5) At least fourteen (14) days prior to the date set for such hearing, a copy of the public
20 notice shall be sent to the department or the council, the governing body and the clerk of the
21 municipality in which the environmental justice population is located, and the designated
22 representative of the environmental justice population. At the public hearing, the permit applicant
23 shall provide clear, accurate, and complete information about the proposed permitted activity and
24 the potential environmental and health impacts of the permitted activity and respond to attendee
25 questions; and

26 (6) Following the public hearing, the director, or designee, shall consider the testimony
27 presented and evaluate any revisions or conditions to the permit that may be necessary to reduce
28 the adverse impact to the public health or to the environment in the environmental justice
29 population. The department shall provide interpretation services at public hearings where limited
30 English proficient populations are impacted, which shall be paid for by the applicant and shall be
31 managed by the department.

32 (b) The department or council shall not issue a decision on the permit application until at
33 least forty-five (45) days after the public hearing held pursuant to this section. Notwithstanding the
34 provisions of any other law, or rule or regulation adopted pursuant thereto, to the contrary, the

1 department or council shall deny a permit application in an environmental justice population upon
2 a finding that the approval would, together with the cumulative impacts posed by the existing
3 conditions, including conditions resulting from already permitted activities, in the environmental
4 justice population, constitute an increase in greenhouse gas emissions or result in risk to the health
5 of the residents of the environmental justice population or to the environment in the environmental
6 justice population.

7 (c) The department or council, when evaluating an application for an approval pursuant to
8 this section, shall assess the community support or opposition for the proposed permitted activity,
9 as demonstrated through the public hearing conducted pursuant to subsection (a) of this section,
10 letters of support for, or opposition to, the proposed permitted activity, and any ordinance or
11 resolution adopted by the governing body of the municipality in which the environmental justice
12 population is located. The department shall consider community support, or the lack thereof, in its
13 decision to grant or deny a permit or other approval.

14 (d) If a permit applicant is applying for more than one permit for a proposed permitted
15 activity, the permit applicant shall only be required to comply with the provisions of this section
16 once for the same facility in the same location, unless the department, in its discretion, determines
17 that more than one public hearing is necessary due to the complexity of the proposed permitted
18 activity. Nothing in this section shall be construed to limit the authority of the department to hold
19 or require additional public hearings.

20 (e) The department shall deny a permit or approval for the construction of a new polluting
21 facility or the expansion of an existing polluting facility if that polluting facility is located within
22 an environmental justice population and is an overburdened community or within one mile of an
23 environmental justice population that is an overburdened community.

24 (f) As part of issuing a permit following consideration of a cumulative impact analysis, the
25 department shall impose conditions on the construction and operation of a polluting facility, if the
26 administrator determines that those conditions will protect public health.

27 (g) The department may issue and post on its website technical guidance for compliance
28 with this chapter.

29 SECTION 2. Chapter 42-17.1 of the General Laws entitled "Department of Environmental
30 Management" is hereby amended by adding thereto the following sections:

31 **42-17.1-28. Environmental burden list.**

32 (a) On or before January 31, 2024, the department shall develop, post, and maintain a
33 complete and comprehensive list, known as the environmental burden list, on its website of all
34 census tracts that are overburdened communities using existing federal or state data and tools or

1 [developing a new tool.](#)

2 [\(b\) The department shall update the environmental burden list on its website at least once](#)
3 [every year.](#)

4 [\(c\) The department shall prioritize agency enforcement and compliance review resources](#)
5 [to address issues that are identified on the environmental burden list.](#)

6 **42-17.1-29. Allocating a minimum portion of funds to environmental justice**
7 **populations.**

8 [\(a\) Beginning January 1, 2025, the department shall provide a proportional amount, and no](#)
9 [less than forty percent \(40%\), of investments, including grants, cleanup funds, and technical](#)
10 [assistance, to environmental justice populations or disadvantaged communities as identified by the](#)
11 [White House Council on Environmental Quality Climate and Economic Justice Screening Tool.](#)

12 [\(b\) The department, in consultation with the green justice zone board, shall issue guidance](#)
13 [on how the department shall meet the obligations in this section on or before July 1, 2024. A draft](#)
14 [version of the guidance shall be released for a minimum of a forty \(40\) day public comment period](#)
15 [before being finalized.](#)

16 **42-17.1-30. Periodic review of environmental justice population definition.**

17 [The department, following at least a ninety \(90\) day public comment period and two \(2\)](#)
18 [public hearings, shall review the definition of "environmental justice population" contained in §](#)
19 [42-17.11-1 at least every five \(5\) years and recommend revisions to the general assembly to ensure](#)
20 [the definition achieves environmental justice.](#)

21 **42-17.1-31. Ensuring compliance with the act on climate.**

22 [The department shall exercise its duties in a way that routinely requires the director and](#)
23 [staff to consider how the agency's actions are complying with chapter 6.2 of title 42, the \("act on](#)
24 [climate"\).](#)

25 SECTION 3. Chapter 42-16.1 of the General Laws entitled "Department of Labor and
26 Training" is hereby amended by adding thereto the following section:

27 **42-16.1-20. Establishment of just transition unit.**

28 [\(a\) For the purposes of this section, the following words shall have the following meanings:](#)

29 [\(1\) "Chemical manufacturing plant" means a facility that produces or processes chemicals](#)
30 [for wholesale or retail distribution.](#)

31 [\(2\) "Chemical storage facility" means a facility that stores chemicals which are intended](#)
32 [for wholesale or retail distribution.](#)

33 [\(3\) "Enrollee" means a just transition worker who is enrolled in the just transition program.](#)

34 [\(4\) "Fossil fuel" means fuel composed of or derived from coal, petroleum, oil, natural gas,](#)

1 oil shales, bitumen, or tar sands.

2 (5) "Fossil fuel storage facility" means a facility that stores fossil fuel for wholesale
3 distribution.

4 (6) "Just transition salary" means the just transition salary received by enrollees, pursuant
5 to subsection (i) of this section.

6 (7) "Just transition worker" means:

7 (i) Any worker who is employed to work at, in, or with an industrial facility within the just
8 transition program zone for at least eight (8) hours per week, as determined by the director; and

9 (ii) Any worker who was formerly employed to work at, in, or with an industrial facility
10 within the just transition program zone for at least eight (8) hours per week, as determined by the
11 director, and who lost their job after the effective date of this section.

12 (8) "Polluting facilities" means:

13 (i) An electric power plant that produces electricity by combusting any fossil fuel;

14 (ii) A waste storage facility;

15 (iii) A toxic material storage facility;

16 (iv) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail
17 level for use in automobiles and excluding sites that store fossil fuels that are used exclusively for
18 transporting goods or other items into the port of Providence or out of the port of Providence;

19 (v) A fossil fuel production facility;

20 (vi) A fossil fuel refinery;

21 (vii) A chemical manufacturing plant;

22 (viii) A chemical storage facility;

23 (ix) A commercial manufacturing facility;

24 (x) A scrap metal storage facility;

25 (xi) A scrap metal processing facility;

26 (xii) A cement, concrete, or asphalt storage facility;

27 (xiii) A cement, concrete, or asphalt processing facility;

28 (xiv) A cement, concrete, or asphalt production facility;

29 (xv) An incinerator, including, but not limited to, a medical waste incinerator;

30 (xvi) A resource recovery facility;

31 (xvii) A combustor;

32 (xviii) A transfer station or other solid waste facility;

33 (xix) A landfill, including, but not limited to, a landfill that accepts ash, construction debris,
34 demolition debris, or solid waste;

1 (xx) A scrap metal recycling facility capable of receiving five (5) tons or more of recyclable
2 material per day; or

3 (xxi) A wood recycling facility capable of receiving five (5) tons or more of recyclable
4 material per day.

5 (b) There is hereby established, within the department of labor and training, a just transition
6 unit.

7 (c) The just transition unit shall establish the just transition program.

8 (d) The purposes of the just transition program shall be to:

9 (1) Organize, coordinate, and finance job retraining for just transition workers to equip
10 them with the skills necessary to obtain high-paying jobs in environmentally sustainable industries;
11 and

12 (2) Compensate just transition workers for participating in job retraining programs and
13 provide them with a just transition salary while they search for a new job.

14 (e) All just transition workers shall be eligible to enroll in the just transition program.

15 (f) All enrollees shall be offered job training. The department of labor and training shall
16 pay for the full and complete cost of the job training they receive under the just transition program,
17 and enrollees shall not be charged for any portion of the training.

18 (g) All job training offered to a just transition worker under the just transition program shall
19 be designed to:

20 (1) Qualify a just transition worker for a job that provides, at least, a comparable salary and
21 comparable benefits to the job they previously held working at, in, or with an industrial facility
22 within the just transition program zone, as determined by the director;

23 (2) Qualify a just transition worker for employment in an environmentally sustainable
24 industry, as determined by the director; and

25 (3) Accommodate, to the greatest extent practical, the preferences of each just transition
26 worker with regard to the types of jobs for which they would like to be trained.

27 (h) All enrollees shall be enrolled in the just transition program from the date on which
28 they enroll in the program until exactly two (2) years from the date on which their employment at,
29 in, or with an industrial facility in the just transition program zone terminates.

30 (i) The just transition unit shall provide a just transition salary to all enrollees from the date
31 on which their employment at, in, or with an industrial facility in the just transition program zone
32 terminates until exactly two (2) years from that date, or until the date on which they begin receiving
33 another full-time salary from a job that is not at, in, or with an industrial facility in the just transition
34 program zone, whichever is earlier. The just transition salary shall consist of a monthly payment

1 equal to one-twelfth (1/12) of the highest annual salary that the worker received from any job
2 working at, in, or with an industrial facility in the just transition program zone within the period
3 between the enactment of this chapter and when they lost that job, as determined by the director.
4 Job apprenticeships shall not be considered "employment" under the terms of this section, nor shall
5 a worker be unenrolled from the program because they are participating in a job apprenticeship
6 program.

7 **42-16.1-21. Employment prioritization.**

8 (a) When hiring employees, hiring contractors, awarding contracts, designing project labor
9 agreements, promulgating rules and regulations, and enforcing rules and regulations, the
10 department of labor and training shall:

11 (1) Prioritize, to the greatest extent feasible, lawful, and appropriate, in the judgment of the
12 board of review, providing employment to workers who are enrolled in or who were enrolled in the
13 just transition program administered by the department of labor and training, pursuant to § 42-16.1-
14 20;

15 (2) Prioritize, to the greatest extent feasible, lawful, and appropriate, in the judgment of the
16 board, hiring individuals who are zone residents; and

17 (3) Maximize, to the greatest extent feasible, lawful, and appropriate, racial and gender
18 equity within the hiring processes for projects involving the green justice zone program.

19 (b) Contractors, subcontractors, firms, corporations, partnerships, and all other entities
20 working under contract with the board shall, at all times, make good faith efforts to promote
21 workforce diversity for projects involving the green justice zone program, including with regard to
22 race and gender. If the board determines that a contractor, subcontractor, firm, corporation,
23 partnership, or other entity is not making good faith efforts to achieve workforce diversity, the
24 director may prohibit that entity from bidding on contracts or being awarded contracts involving
25 the green justice zone program for two (2) years.

26 **42-16.1-23. Functions of director.**

27 The director of labor and training shall:

28 (1) Have all the powers and duties formerly vested by law in the director of labor with
29 regard to factory inspectors and steam boiler inspectors, and such other duties as may be by law
30 conferred upon the department;

31 (2) Administer the labor laws of this state concerning women and children and be
32 responsible for satisfactory working conditions of women and children employed in industry in this
33 state by a division in the department which shall be known as the division of labor standards;

34 (3) Administer the act relating to state wage payment and wage collection;

1 (4) Have all of the powers and duties formerly vested in the director of the department of
2 labor and administer those responsibilities set forth in chapters 29 through 38, inclusive, of title 28;

3 (5) Have all the powers and duties formerly vested by law in the director of employment
4 and training and administer those responsibilities set forth in chapters 39 through 44, inclusive, of
5 title 28 and chapter 102 of title 42;

6 (6) Provide to the department of administration any information, records or documents they
7 certify as necessary to investigate suspected misclassification of employee status, wage and hour
8 violations, or prevailing wage violations subject to their jurisdiction, even if deemed confidential
9 under applicable law; provided that, the confidentiality of such materials shall be maintained, to
10 the extent required of the releasing department by any federal or state law or regulation, by all state
11 departments to which the materials are released and no such information shall be publicly disclosed,
12 except to the extent necessary for the requesting department or agency to adjudicate a violation of
13 applicable law. The certification shall include a representation that there is probable cause to
14 believe that a violation has occurred. State departments sharing this information or materials may
15 enter into written agreements via memorandums of understanding to ensure the safeguarding of
16 such released information or materials; and

17 (7) Have the power to enter contracts, hire employees, hire contractors, promulgate rules
18 and regulations, levy fines, adjudicate administrative cases, or take any other lawful action in order
19 to administer the just transition program, pursuant to § 42-16.1-20.

20 SECTION 4. This act shall take effect upon passage.

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LC002847
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CREATING GREEN JUSTICE
ZONES AND FURTHERING ENVIRONMENTAL JUSTICE

1 This act would establish regulations concerning the establishment of green justice zones to
2 further environmental justice assuring that all individuals are afforded the right to equitable access
3 to environmental benefits while proportionately distributing environmental burdens while
4 furthering fair and equitable treatment and meaningful involvement in decision-making.

5 This act would take effect upon passage.

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