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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 -- GREEN JUSTICE ZONES AND ENVIRONMENTAL JUSTICE

Introduced By: Senators Mack, and Euer

Date Introduced: March 30, 2023

Referred To: Senate Judiciary

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 ENVIORNMENTAL JUSTICE

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

6 As used in this chapter:

7 (1) "Additional environmental remediation project" means the item in the list of available
8 environmental remediation projects that 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 set forth 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 that are intended for
17 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 set forth 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 system 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) "Environmental justice population" means a census block group that meets one or
26 more of the following criteria:

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

29 (ii) People of color or Indigenous Peoples population is equal to or greater than twenty-
30 five percent (25%) of the population;

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

33 (iv) Is comprised of an Indigenous People or Tribal Reservation. For a census block group
34 that does not meet said criteria, but a geographic portion of that neighborhood meets at least one

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

4 (14) "Environmental remediation workers" means individuals 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 are 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 regulator 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; and

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

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

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

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

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

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](#)
11 [U.S.C. § 1362\(6\).](#)

12 **42-17.11-2. Establishment of Green Justice Zones.**

13 [\(a\) There is 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 the Green Justice Zones shall consist of five \(5\) board members each of](#)
22 [whom must 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 [\(1\) The operations, maintenance, and management of the Green Justice Zone program; and](#)

26 [\(2\) Individuals employed to complete work relating to the Green Justice Zone program.](#)

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

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

31 **42-17.11-4. Powers of the Green Justice Zone Board.**

32 [\(a\) The board shall have the authority to identify Green Justice Zones located in any](#)
33 [municipality in the state after seeking input from residents of environmental justice populations](#)
34 [and ensuring that Green Justice Zones include locations that meet at least one criterion for](#)

1 designation as an environmental justice population.

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

7 **42-17.11-5. Election of the Green Justice Zone Board.**

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

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

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

19 (d) A board member of the Green Justice Zone shall, at all times, be a resident of the Green
20 Justice Zone for the entirety of the time that they serve as a board member.

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

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

25 **42-17.11-6. Appointment of employees to serve the Green Justice Zone Board.**

26 (a) The board shall appoint an employment administrator who shall be the appointing
27 authority for all employees of the board. The board may dismiss an employment administrator at
28 any time and for any lawful reason.

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
31 administrative or custodial tasks for the Green Justice Zone. The employment administrator may
32 dismiss employees 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, or
10 subcontractor earns less than one hundred forty percent (140%) of the statewide per capita income
11 as determined by the U.S. Census Bureau, and provided that every employee shall receive health
12 insurance, dental insurance, at least two (2) weeks of paid vacation time, and at least one paid sick
13 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 funds from any sources, public
16 or private, including, but not limited to, legislative enactments, bond issues, devises, grants, or
17 bequests. The board is authorized to enter into any contracts necessary to obtain and expend those
18 funds.

19 (b) The board shall appoint a treasurer to receive and expend funds, 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
31 to 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) Eelectrification 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 where 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 enactment of this chapter.

18 (b) The Green Justice Zone Board shall provide a clean, well-lit venue easily accessible to
19 zone residents for 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
23 one translator capable of translating between English and any other language spoken by at least
24 five (5) percent 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 and eighty percent (180%) of the statewide per capita income, as calculated by the U.S. Census
30 Bureau. 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; and

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. At least fourteen (14) days prior to the date set for such hearing, a copy of the public
19 notice shall be sent to the department or the council, the governing body and the clerk of the
20 municipality in which the environmental justice population is located, and the designated
21 representative of the environmental justice population. At the public hearing, the permit applicant
22 shall provide clear, accurate, and complete information about the proposed permitted activity and
23 the potential environmental and health impacts of the permitted activity and respond to attendee
24 questions. Following the public hearing, the director or designee shall consider the testimony
25 presented and evaluate any revisions or conditions to the permit that may be necessary to reduce
26 the adverse impact to the public health or to the environment in the environmental justice
27 population. The department shall provide interpretation services at public hearings where limited
28 English proficient populations are impacted, which can be paid for by the applicant though must
29 be managed by the department.

30 (b) The department or council shall not issue a decision on the permit application until at
31 least forty-five (45) days after the public hearing held pursuant to this section. Notwithstanding the
32 provisions of any other law, or rule or regulation adopted pursuant thereto, to the contrary, the
33 department or council shall deny a permit application in an environmental justice population upon
34 a finding that the approval would, together with the cumulative impacts posed by the existing

1 conditions, including conditions resulting from already permitted activities, in the environmental
2 justice population, constitute an increase in greenhouse gas emissions or result in risk to the health
3 of the residents of the environmental justice population or to the environment in the environmental
4 justice population.

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

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

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

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

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

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

29 **42-17.1-46. Environmental burden list.**

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

34 (b) The department shall update the environmental burden list on its website at least once

1 [every year.](#)

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

4 **42-17.1-47. Allocating a minimum portion of funds to environmental justice**
5 **populations.**

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

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

14 **42-17.1-48. Periodic review of environmental justice population definition.**

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

19 **42-17.1-49. Ensuring compliance with the Act on Climate.**

20 [The department will exercise its duties in a way that routinely requires the director and](#)
21 [staff to consider how the agency's actions are complying with the act on climate set forth in chapter](#)
22 [6.2 of title 42.](#)

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

25 **42-16.1-20. Definitions.**

26 [\(a\) As used in § 42-16.1-21, "polluting facilities" means:](#)

27 [\(1\) An electric power plant that produces electricity by combusting any fossil fuel;](#)

28 [\(2\) A waste storage facility;](#)

29 [\(3\) A toxic material storage facility;](#)

30 [\(4\) A fossil fuel storage facility, excluding gas stations which sell gas only at the retail](#)
31 [level for use in motor vehicles and excluding sites that store fossil fuels that are used exclusively](#)
32 [for transporting goods or other items into the port of Providence or out of the port of Providence;](#)

33 [\(5\) A fossil fuel production facility;](#)

34 [\(6\) A fossil fuel refinery;](#)

- 1 (7) A chemical manufacturing plant;
- 2 (8) A chemical storage facility;
- 3 (9) A commercial manufacturing facility;
- 4 (10) A scrap metal storage facility;
- 5 (11) A scrap metal processing facility;
- 6 (12) A cement, concrete, or asphalt storage facility;
- 7 (13) A cement, concrete, or asphalt processing facility;
- 8 (14) A cement, concrete, or asphalt production facility;
- 9 (15) An incinerator, including, but not limited to, a medical waste incinerator;
- 10 (16) A resource recovery facility;
- 11 (17) A combustor;
- 12 (18) A transfer station or other solid waste facility;
- 13 (19) A landfill, including, but not limited to, a landfill that accepts ash, construction debris,
- 14 demolition debris, or solid waste;
- 15 (20) A scrap metal recycling facility capable of receiving five (5) tons or more of recyclable
- 16 material per day; or
- 17 (21) A wood recycling facility capable of receiving five (5) tons or more of recyclable
- 18 material per day.
- 19 (b) As used in § 42-16.1-21, "just transition worker" means:
- 20 (1) Any worker who is employed to work at, in, or with an industrial facility within the
- 21 Just Transition program zone for at least eight (8) hours per week, as determined by the director;
- 22 and
- 23 (2) Any worker who was formerly employed to work at, in, or with an industrial facility
- 24 within the Just Transition program zone for at least eight (8) hours per week, as determined by the
- 25 director, and who lost their employment after the enactment of this section.
- 26 (c) As used in § 42-16.1-21, "enrollee" means a just transition worker who is enrolled in
- 27 the just transition program.
- 28 (d) As used in § 42-16.1-21, "just transition salary" means the just transition salary received
- 29 by enrollees, pursuant to § 42-16.1-21.
- 30 (e) As used in § 42-16.1-21, "chemical manufacturing plant" means a facility that produces
- 31 or processes chemicals for wholesale or retail distribution.
- 32 (f) As used in § 42-16.1-21, "chemical storage facility" means a facility that stores
- 33 chemicals which are intended for wholesale or retail distribution.
- 34 (g) As used in § 42-16.1-21, "fossil fuel storage facility" means a facility that stores fossil

1 fuel for wholesale distribution.

2 (h) As used in § 42-16.1-21, "fossil fuel" means fuel composed of or derived from coal,
3 petroleum, oil, natural gas, oil shales, bitumen, or tar sands.

4 **42-16.1-21. Just transition unit established.**

5 (a) There shall be within the department of labor and training a "just transition unit."

6 (b) The just transition unit shall establish the just transition program.

7 (c) The purposes of the just transition program shall be to:

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

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

13 (d) All just transition workers shall be eligible to enroll in the just transition program.

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

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

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

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

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

26 (g) All enrollees shall be enrolled in the just transition program from the date they enroll
27 in the program until exactly two (2) years from the date their employment with an industrial facility
28 in the just transition program zone terminates.

29 (h) The just transition unit shall provide a just transition salary to all enrollees from the
30 date their employment with an industrial facility in the just transition program zone terminates until
31 exactly two (2) years from that date, or until the date on which they begin receiving another full-
32 time salary from a job that is not with an industrial facility in the just transition program zone,
33 whichever is earlier. The just transition salary shall consist of a monthly payment equal to one-
34 twelfth (1/12) of the highest annual salary that the worker received from any job working with an

1 industrial facility in the just transition program zone within the period between the enactment of
2 this chapter and when they lost that job, as determined by the director. Job apprenticeships shall
3 not be considered "employment" under the terms of this subsection, nor shall a worker be
4 unenrolled from the program because they are participating in a job apprenticeship program.

5 **42-16.1-22. Employment prioritization.**

6 (a) When hiring employees, hiring contractors, awarding contracts, designing project labor
7 agreements, promulgating rules and regulations, and enforcing rules and regulations, the
8 department of labor and training shall, to the greatest extent feasible, lawful, and appropriate:

9 (1) Prioritize, in the judgment of the board of review, providing employment to workers
10 who are enrolled in or who were enrolled in the just transition program administered by the
11 department of labor and training, pursuant to § 42-16.1-21;

12 (2) Prioritize, in the judgment of the board, hiring individuals who are zone residents; and

13 (3) Maximize, racial and gender equity within the hiring processes for projects involving
14 the Green Justice Zone program.

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

22 **42-16.1-23. Functions of the director.**

23 The director of labor and training in addition to all powers and duties provided in title 28
24 shall have the power and duties to implement the provisions of this chapter to include:

25 (1) Inspecting and enforcing safety standards for factories and steam boilers;

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

29 (3) Administering the provisions of title 28 relating to state wage payment and collection;

30 (4) Administering those responsibilities set forth in chapters 29 -38, of title 28;

31 (5) Administering those responsibilities set forth in chapters 39 - 44 of title 28 and chapter
32 102 of title 42.

33 (6) Providing to the department of administration any information, records or documents
34 they certify as necessary to investigate suspected misclassification of employee status, wage and

1 hour violations, or prevailing wage violations subject to their jurisdiction, even if deemed
2 confidential under applicable law, provided that the confidentiality of such materials shall be
3 maintained, to the extent required of the releasing department by any federal or state law or
4 regulation, by all state departments to which the materials are released and no such information
5 shall be publicly disclosed, except to the extent necessary for the requesting department or agency
6 to adjudicate a violation of applicable law. The certification shall include a representation that there
7 is probable cause to believe that a violation has occurred. State departments sharing this information
8 or materials may enter into written agreements via memorandums of understanding to ensure the
9 safeguarding of such released information or materials.

10 (7) Having the power to enter contracts, hire employees, hire contractors, promulgate rules
11 and regulations, levy fines, adjudicate administrative cases, or take any other lawful action in order
12 to administer the just transition program, pursuant to § 42-16.1-21.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would establish the first Green Justice Zone and environmental justice, a model
2 that may be replicated in future years to ensure that all communities throughout the state have clean
3 air and clean water.

4 This act would take effect upon passage.

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