**5141-S2 AMS MULL S1670.1 - NOT FOR FLOOR USE**

**2SSB 5141** - S AMD **261**

By Senator Mullet

**WITHDRAWN 03/01/2021**

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

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

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

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

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

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

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

(i) Community grants to monitor pollution;

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

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

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

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

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

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

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