

HOUSE No. 4143

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker Oakley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Environmental Justice Trust Fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>9/26/2023</i>
<i>Attorney General Andrea Joy Campbell</i>	<i>1 Ashburton Place, Boston, MA 02108</i>	<i>9/26/2023</i>

HOUSE No. 4143

By Representative Fluker Oakley of Boston, a petition (subject to Joint Rule 12) of Brandy Fluker Oakley and Andrea Joy Campbell (Attorney General) for legislation to establish a trust fund to promote environmental justice in the Office of the Attorney General. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act establishing the Environmental Justice Trust Fund.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a trust fund to promote environmental justice, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 29 of the General Laws is hereby amended by inserting after section

2 2AAAAAAA the following section:-

3 Section 2BBBBBBB. (a) For the purposes of this section, the term “disadvantaged
4 community” shall mean a community in Massachusetts bearing disproportionate economic,
5 health, or environmental burdens, including, but not limited to, poverty, high unemployment, air
6 and water pollution, disproportionate heat exposure, lack of access to green space, and presence
7 of hazardous and solid waste and material, as well as high incidence of cardiovascular and
8 respiratory disease and high rates of mortality.

9 (b) There shall be established and set up on the books of the commonwealth a separate
10 trust fund to be known as the Environmental Justice Trust fund, which shall be administered by

11 the division of environmental protection within the office of the attorney general, established
12 under section 11D of chapter 12.

13 (c) Expenditures may be made from the fund, without further appropriation: (i) to fund
14 the restoration of any natural resource or the investigation, remediation or mitigation of any
15 environmental pollution or harm on or at any real property located in a disadvantaged
16 community; (ii) for any project to benefit the community health or well-being, whether to
17 address economic, environmental, or other health needs, of a disadvantaged community; or (iii)
18 to contribute to an academic or government-funded research project related to environmental
19 protection or conservation of natural resources in a disadvantaged community.

20 (d) The fund shall be credited with: (i) appropriations of other money authorized or
21 transferred by the general court and specifically designated to be credited to the fund; (ii) funds
22 from public or private sources, including, but not limited to gifts, grants, and donations; (iii)
23 payments from settlements, judgments, fines or penalties not designated by law for other specific
24 statutory purposes in any action brought by the attorney general under section 11D of chapter 12
25 or under any provision of any environmental statute that the attorney general may enforce
26 providing for a civil penalty for a violation of such provision; and (iv) any interest earned on
27 such money. Funds in the trust that remain unexpended at the end of a fiscal year shall not revert
28 to the general fund and shall be available for expenditure in subsequent fiscal years.