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ASSEMBLY BILL NO. 71—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE JOINT INTERIM STANDING  
COMMITTEE ON NATURAL RESOURCES)

PREFILED JANUARY 30, 2023

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Referred to Committee on Natural Resources

SUMMARY—Requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice. (BDR S-347)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to environmental justice; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1     **Section 9** of this bill directs the Division of Environmental Protection of the  
2 State Department of Conservation and Natural Resources to conduct an interim  
3 study concerning environmental justice. In conducting the study, **section 9** requires  
4 the Division to identify: (1) the communities in this State that face the greatest  
5 cumulative environmental burdens; (2) methods for preventing the increase of the  
6 cumulative environmental burdens of such communities; and (3) strategies to  
7 decrease the cumulative environmental burdens of such communities. **Section 9**  
8 authorizes the Division to contract with a private entity to conduct the study.  
9     **Sections 1-8** of this bill define various terms relating to environmental justice  
10 and the interim study required by **section 9**.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** As used in this act, unless the context otherwise  
2 requires, the words and terms defined in sections 2 to 8, inclusive, of  
3 this act have the meanings ascribed to them in those sections.

4       **Sec. 2.** “Cumulative environmental burden” means the overlap  
5 and amplification of environmental burdens in a manner that  
6 disproportionately impacts a given geographic area.

7       **Sec. 3.** “Division” means the Division of Environmental  
8 Protection of the State Department of Conservation and Natural  
9 Resources.

10       **Sec. 4.** “Environmental burden” means any significant impact  
11 to clean air, water and land, including, without limitation, any  
12 destruction, damage or impairment of natural resources resulting  
13 from intentional or reasonably foreseeable causes. The term  
14 includes, without limitation:

15       1. The impacts of climate change and any resulting exposure to  
16 extreme temperatures;

17       2. Air and water pollution;

18       3. Improper sewage disposal and improper handling of solid  
19 wastes and other noxious substances;

20       4. Excessive noise;

21       5. Inadequate remediation of pollution;

22       6. The reduction of groundwater levels;

23       7. Increased flooding or storm water flows;

24       8. Home and building hazards, including, without limitation,  
25 lead paint, lead plumbing, asbestos and mold;

26       9. Excessive energy costs and increased energy outages;

27       10. Damage to inland waterways and waterbodies, wetlands,  
28 forests, green spaces or recreational facilities and other venues;

29       11. Activities that limit access to green spaces, nutritious  
30 foods, Indigenous foods or cultural resources or recreational  
31 facilities and other venues; and

32       12. Limited access to health care and higher rates of  
33 complicating health conditions.

34       **Sec. 5.** “Environmental justice” means, with respect to the  
35 development, implementation and enforcement of environmental  
36 laws and regulations, the fair treatment and meaningful involvement  
37 of all people regardless of race, color, national origin, English  
38 language proficiency or income.

39       **Sec. 6.** “Fair treatment” means that no group of people bear a  
40 disproportionate share of the negative consequences resulting from  
41 industrial, governmental or commercial operations or policies.



1     **Sec. 7.** “Historically underserved community” has the  
2 meaning ascribed to it in NRS 445B.834.

3     **Sec. 8.** “Meaningful involvement” means:

4     1. All persons have the opportunity to participate in decisions  
5 about activities that may affect the health and environment of the  
6 public;

7     2. The concerns of the public are considered during the  
8 decision-making process of a state agency and can influence the  
9 decision-making of the state agency; and

10    3. The state agency seeks out and facilitates the involvement of  
11 any persons potentially affected by a decision when making  
12 decisions.

13    **Sec. 9.** 1. The Division shall conduct an interim study  
14 concerning environmental justice issues. The study must:

15    (a) Identify:

16    (1) The communities facing the greatest cumulative  
17 environmental burdens in this State;

18    (2) Methods to prevent an increase in the cumulative  
19 environmental burdens on the communities identified by the study;  
20 and

21    (3) Strategies to decrease any existing cumulative  
22 environmental burdens that are identified by the study.

23    (b) Prioritize historically underserved communities in evaluating  
24 the cumulative environmental burdens of communities in this State.

25    2. The Division may:

26    (a) Contract with a private entity to conduct the study; and

27    (b) Coordinate and collaborate with other state agencies and  
28 research institutions in this State, as appropriate, in carrying out the  
29 study.

30    3. If the Division contracts with a private entity to conduct the  
31 study pursuant to subsection 2, all state agencies must collaborate  
32 with the private entity in conducting the study, as necessary, and  
33 provide the private entity with any information requested by the  
34 private entity to such extent as is consistent with their other lawful  
35 duties.

36    4. On or before December 31, 2024, the Division shall submit a  
37 report of its findings, including, without limitation, any  
38 recommendations for legislation, to the Director of the Legislative  
39 Counsel Bureau for transmittal to:

40    (a) The 83rd Session of the Legislature;

41    (b) The Chair of the Senate Committee on Natural Resources  
42 during the 83rd Session of the Legislature; and

43    (c) The Chair of the Assembly Committee on Natural Resources  
44 during the 83rd Session of the Legislature.



1      **Sec. 10.** This act becomes effective on July 1, 2023.

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