ASSEMBLY CONCURRENT RESOLUTION NO. 3—ASSEMBLYMEN PEETERS; AND WATTS

MARCH 8, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires the Legislative Commission to appoint an interim committee to conduct a study concerning environmental justice. (BDR R-568)

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

ASSEMBLY CONCURRENT RESOLUTION—Requiring the Legislative Commission to appoint an interim committee to conduct a study concerning environmental justice.

1 WHEREAS, Technological progress has advanced society bringing economic prosperity to some, but also resulting in significant degradation to the environment, the effects of which have been disproportionately borne by a subset of the population globally and in the State of Nevada; and

2 WHEREAS, The United States Environmental Protection Agency defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies; and

3 WHEREAS, Environmental justice will be achieved only when all people have the same degree of protection from environmental and health hazards and an equal opportunity to have meaningful involvement in the development, implementation and enforcement of environmental laws, regulations and policies; and

4 WHEREAS, The State has not historically contemplated principles of environmental justice, especially with regard to the exploitation of its natural resources, the appropriation of land from indigenous communities and pollution from various industries; and

5 WHEREAS, The State has broad powers related to natural resources, technological progress and environmental equity, including powers related to permitting, proposing legislation,
promulgating regulations and enforcing such laws and regulations which impact the air, climate, land and water of this State; and

WHEREAS, In the exercise of such powers, the State must examine the impact of state and local decision making to determine whether the actions of the State and local governments degrade the quality of the environment, in order to provide the information necessary to ensure such actions minimize habitat and ecosystem destruction, respect community perspectives and promote environmental justice; and

WHEREAS, Given the State’s unique environment, natural resources and indigenous and other underserved communities, a state-level environmental review process incorporating environmental justice principles and broad input from a diverse array of stakeholders would enable the State and receive much needed input from experts on environmental impact review, state and federal agencies and local communities resulting in a more transparent and consistent process; and

WHEREAS, the Legislature has an inherent interest in the health, safety and general welfare of all Nevadans; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint an interim committee composed of three members of the Assembly and three members of the Senate, one of whom must be appointed by the Legislative Commission as Chair of the interim committee, to conduct an interim study concerning environmental justice in this State; and be it further

RESOLVED, That the study must include, without limitation, an examination of:

1. Recommendations for legislation to develop an environmental justice review process in any environmental action or review undertaken by the State or political subdivision of the State, which may include a consideration of additional costs resulting from the review process and the subsequent need to revise any associated fees;

2. Criteria to trigger a state, county or other local review process, including projects that are subject to Federal review under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq.;

3. Gaps in existing programs, policies or activities that may impede the achievement of environmental justice, with special attention to identifying any reasons for a lack of engagement from marginalized communities;

4. Procedures to ensure public documents, notices and public hearings relating to human health or the environment are concise, understandable and readily accessible to the public;
5. Procedures for the review of projects that provide for effective coordination with local governments, consistency in the review process and accountability to affected communities, project proponents and regulators;

6. Procedures for collecting, maintaining, analyzing and coordinating information relating to an environmental justice strategy in this State;

7. Barriers to developing an interagency environmental justice strategy for the State; and

8. Any other matters related to environmental justice; and be it further

RESOLVED, That the interim committee shall, in a series of public hearings conducted throughout the State, consult with and solicit the input of state, federal and local agencies, affected communities, the public as a whole and other interested stakeholders, including, without limitation:

1. State and local government agencies which oversee state, local or regional air quality regulations, environmental protection requirements, housing, land use planning, natural resources and transportation;

2. Representatives from environmental organizations;

3. Representatives from the business community; and

4. Representatives from community organizations, including indigent populations and other underserved communities; and be it further

RESOLVED, That the interim committee shall conduct such hearings in a manner that allows for optimal public engagement and the sharing of perspectives; and be it further

RESOLVED, That the Chair may appoint such subcommittees or technical advisory groups as the Chair determines necessary to assist the interim committee in carrying out the duties prescribed by this resolution; and be it further

RESOLVED, That the members of any technical advisory group appointed pursuant to this resolution are not required to be members of the interim committee and any members who are not members of the interim committee serve without compensation; and be it further

RESOLVED, That any recommended legislation proposed by the interim committee be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee; and be it further

RESOLVED, That the Legislative Commission submit a report of the results of the study and any recommendations for legislation to the 82nd Session of the Nevada Legislature; and be it further
RESOLVED, That this resolution becomes effective upon adoption.