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FIRST REPRINT

A.C.R. 3

ASSEMBLY CONCURRENT RESOLUTION NO. 3—ASSEMBLYMEN
PETERS; 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,
2 bringing economic prosperity to some but also resulting in
3 significant degradation to the environment, the effects of which
4 have been disproportionately borne by a subset of the population
5 globally and in the State of Nevada; and

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

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

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

20 WHEREAS, The State has broad powers related to natural
21 resources, technological progress and environmental equity,
22 including powers related to permitting, proposing legislation,



1 promulgating regulations and enforcing such laws and regulations
2 which impact the air, climate, land and water of this State; and

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

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

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

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

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

29 1. Recommendations for legislation to develop an
30 environmental justice review process for use in any proposed
31 environmental action or review undertaken by the State or a political
32 subdivision of the State, which:

33 (a) Must include, without limitation, a requirement that the
34 proposed environmental action or review mitigate environmental
35 degradation and promote principles of environmental justice; and

36 (b) May include, without limitation, a consideration of any costs
37 resulting from the review process and the subsequent need to revise
38 any associated fees;

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

43 3. Gaps in existing programs, policies, activities or investments
44 that may impede the achievement of environmental justice, with



1 special attention to identifying any reasons for a lack of engagement
2 from marginalized communities;

3 4. Procedures to ensure public documents, notices and public
4 hearings relating to human health or the environment are concise,
5 understandable and readily accessible to the public;

6 5. Procedures for the review of projects that provide for
7 effective coordination with local governments, consistency in the
8 review process and accountability to affected communities, project
9 proponents and regulators;

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

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

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

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

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

26 2. Representatives from environmental organizations;

27 3. Representatives from the business community; and

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

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

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

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

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



1 RESOLVED, That the Legislative Commission submit a report of
2 the results of the study and any recommendations for legislation to
3 the 82nd Session of the Nevada Legislature; and be it further

4 RESOLVED, That this resolution becomes effective upon
5 adoption.

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