

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eighty-First Session
March 16, 2021**

The Committee on Legislative Operations and Elections was called to order by Chair Brittney Miller at 4 p.m. on Tuesday, March 16, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Sandra Jauregui, Vice Chair
Assemblywoman Jill Dickman
Assemblywoman Cecelia González
Assemblyman Glen Leavitt
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Clara Thomas
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman Jason Frierson (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Robin L. Titus, Assembly District No. 38
Assemblywoman Sarah Peters, Assembly District No. 24

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Bonnie Borda Hoffecker, Committee Manager
Jordan Green, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Lynn Chapman, State Treasurer, Independent American Party of Nevada
Janine Hansen, State President, Nevada Families for Freedom
Bob Russo, Private Citizen, Gardnerville, Nevada
David Gibbs, Private Citizen, North Las Vegas, Nevada
Christi Cabrera, Policy and Advocacy Director, Nevada Conservation League
John Hadder, Executive Director, Great Basin Resource Watch
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Brian Beffort, Director, Toiyabe Chapter, Sierra Club
Laura Fillmore, Private Citizen, Gardnerville, Nevada
Lisa Ortega, Private Citizen, Las Vegas, Nevada
Rudy Zamora, Program Director, Chispa Nevada
Stevie Applewhite, Coordinator, Reno Hub, Sunrise Movement
Patrick Donnelly, Nevada State Director, Center for Biological Diversity
Cynthia Moore, National Lead, EcoMadres
Kyle Roerink, Executive Director, Great Basin Water Network
Jaina Moan, Director of External Affairs, The Nature Conservancy
Chelsey Hand, Outreach and Program Coordinator, Great Basin Resource Watch
Dexter Lim, Coordinator, Las Vegas Hub, Sunrise Movement
Jennifer Cantley, Nevada Field Consultant, Moms Clean Air Force
Ainslee Archibald, Private Citizen, Las Vegas, Nevada
Allen Biaggi, representing Nevada Mining Association

Chair Miller:

[Roll was called. Committee rules and protocol were explained.] I am going to take a few things out of order today because we have a few members who will be leaving as such is the case at this point in the session. I would like to begin with the work session, especially now that we have some of the bill sponsors in the Zoom meeting with us. We will open the first work session on Assembly Bill 95.

Assembly Bill 95: Revises the membership of the Legislative Committee on Public Lands. (BDR 17-463)

Marsheilah D. Lyons, Committee Policy Analyst:

The work session document [[Exhibit C](#)] has been uploaded to the Nevada Electronic Legislative Information System, provided to all the Committee members, and is available to the public. On page 1, you will see a brief summary of Assembly Bill 95, which adds one member to the Legislative Committee on Public Lands who represents tribal governments and who is recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, and is appointed by the Legislative Commission. The measure also provides, to the extent of legislative appropriation, that the member who represents tribal governments is

entitled to the per diem allowance and travel expenses while engaged in the business of the Legislative Committee. There are no amendments in the work session document for this measure.

Chair Miller:

Committee members, are there any questions? [There were none.] I will entertain a motion to do pass for Assembly Bill 95.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
ASSEMBLY BILL 95.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Are there any questions or comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT
FOR THE VOTE.)

Assemblywoman González will take the floor statement on A.B. 95. Next, I will open the work session for Assembly Bill 121.

Assembly Bill 121: Revises certain provisions relating to elections. (BDR 24-774)

Marsheilah D. Lyons, Committee Policy Analyst:

Assembly Bill 121 requires the Secretary of State to allow the Effective Absentee System for Elections (EASE) to be used by an elector with a disability to register to vote and a registered voter with a disability to apply for and cast an absentee ballot. The measure requires the system of approved electronic transmission to allow such an elector or registered voter to provide his or her digital electronic signature on any document or other material that is necessary for the elector to register to vote or for the registered voter to apply for and cast an absentee ballot.

Further, the Secretary of State is required to establish procedures to be used by local elections officials in accepting, handling, and counting absentee ballots received from a registered voter with a disability using EASE. Finally, the measure makes several conforming changes.

There is an amendment included in the work session document [[Exhibit D](#)] for this measure that was presented by Assemblywoman Cohen. It has been determined to be germane to the bill, which would revise the deadlines to register and vote in the Uniformed and Overseas Citizens Absentee Voting Act [*United States Code*, Title 52, Sections 20301 et seq.] to allow for same-day voter registration as provided to other voters in Nevada and to authorize the receipt of ballots before the close of business on the day of the election.

Chair Miller:

Are there any questions on the amendment or bill? [There were none.] I will entertain a motion to amend and do pass for Assembly Bill 121.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 121.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

Are there any comments or questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

Assemblywoman Thomas will take the floor statement on A.B. 121. Lastly, I would like to open the work session on Assembly Bill 166.

Assembly Bill 166: Establishes disclosure requirements relating to certain elections-related communications. (BDR 24-867)

Marsheilah D. Lyons, Committee Policy Analyst:

Assembly Bill 166 requires a person, committee for political action, political party or committee sponsored by a political party that expends more than \$100 for the purpose of financing a communication through text message that advocates expressly the election or defeat of a clearly identified candidate or group of candidates, or solicits a contribution, to disclose in the text message the name of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication. There are no amendments in the work session document [[Exhibit E](#)] for this measure.

Chair Miller:

Committee members, are there any questions? [There were none.] I will entertain a motion to do pass for Assembly Bill 166.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS ASSEMBLY BILL 166.

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Are there any comments or questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN FRIERSON WAS ABSENT FOR THE VOTE.)

Assemblyman Leavitt will take the floor statement on A.B. 166. That closes the work session for today. Congratulations to everyone.

Moving on to the next agenda item, I will open our first hearing today on Assembly Bill 98, which is sponsored by Assemblywoman Titus. This measure revises provisions governing legislative measures that may be requested for a regular legislative session.

Assembly Bill 98: Revises provisions governing legislative measures that may be requested for a regular legislative session. (BDR 17-67)

Assemblywoman Robin L. Titus, Assembly District No. 38:

Today I will be presenting Assembly Bill 98, which limits the number of bill draft requests (BDRs) that may be requested for a regular session. At this time, I am going to turn it over for additional opening remarks from Assemblyman McArthur, who actually presented this bill several sessions ago. I want him to do a little introductory statement, and then I will come back to go over the bill and through the details.

Assemblyman Richard McArthur, Assembly District No. 4:

Today I am copresenting Assembly Bill 98 with Assemblywoman Titus, and this bill basically cuts back on the number of bills that we request during a regular legislative session. I appreciate Assemblywoman Titus's bringing this bill again because I had introduced similar legislation in past sessions [Assembly Bill 187 of the 76th Session and Assembly Bill 189 of the 79th Session].

Right now, we process a lot of bills in a very short period of time—120 days—which makes this process kind of tough and difficult for both legislators and the Legislative Counsel Bureau (LCB) staff. Also, it costs a lot of money to put these bills through, so when we reduce the number of bills that go through, it reduces costs for the state.

On a more positive note for legislators, when we reduce the number of bills, it gives legislators more time to read the bills, talk to people about the bills, and deliberate on each bill. Hopefully, it will cause more thoughtful legislation to go through. I really believe that this bill will make the legislative process more efficient.

That is my very short introduction to Assembly Bill 98, so I will turn it back over to Assemblywoman Titus.

Assemblywoman Titus:

As Assemblyman McArthur pointed out, A.B. 98 basically reduces the number of BDRs that may be requested. I will go over the bill itself at this time, which has several pages involved. To make it a little bit more succinct and easier to understand, we have sent everybody a copy of the current list [Exhibit F]. There is a table there that shows the current number of BDRs which are currently allotted and the number we are suggesting.

I want to take a moment to recognize your committee policy analyst from the Research Division of LCB, Marsheilah D. Lyons. She has been so helpful trying to get these numbers. Many times, it seems so abstract what we are trying to do, but this actually makes sense.

Hopefully, you have a copy that we have included [\[Exhibit F\]](#). That is what I am going to be referring to now as opposed to the line items in the bill. Each one goes down—starting with section 1 of [A.B. 98](#), but you will see that it also follows this particular BDR—so under the incumbent member of the Assembly, I am going from four to three for those incumbent members and so forth and so on down that table including, as you can see at the bottom of the page, the Lieutenant Governor and the Secretary of State. The second page includes cities, et cetera.

It does not affect emergency measures. It does not affect the things where we still can do our business if something comes up that exceeds what we are allotted. That is the critical thing. Sometimes we just do not know, such as with the pandemic, what we may need to do.

The second thing I want to have you turn to now is another table [\[Exhibit G\]](#), and I apologize for getting it to you so late in the day, but I think this is really the critical picture that I want you to have on how we settled on the numbers we did. If you look at that table, we are going through every session since 1989 for the number of bills that were allotted. You will see that for a period of time, the laws have changed to rein in on some of the numbers of BDRs that we get [\[Assembly Bill 631 of the 70th Session, Senate Bill 490 of the 74th Session, Assembly Bill 577 of the 76th Session, Assembly Bill 412 of the 77th Session, and Assembly Bill 495 of the 78th Session\]](#). In that first column, under "No. Bill Draft Requests," you will see that there is a big drop from 1989 to 1991. That is because there was a change in the law [\[Assembly Bill 945 of the 65th Session\]](#).

The most important thing about this is if you look at the number of bills that we were allotted, you will also see the number of bills that actually got introduced. That is the story that I really want to tell here. For the bills that we were allotted over the last ten sessions—so over the last 20 years—I did the math earlier today, and the average number breaks down to about 86.9 percent of the bills that we are allotted are actually introduced. The numbers that we are suggesting in [A.B. 98](#) are more in line with what actually happens. Even more telling if you look at the next column, "No. Bills and Resolutions Enacted," is the number of bills and resolutions that are actually enacted is pretty significant versus the number and percentage of BDRs. The numbers that we actually enact are about 55 percent of those.

I am not saying that we need to dial it back to that 55 percent level because I think that these bills that are introduced are important. I had a bill today that I withdrew after meeting with the department, which said, "Oh, we can do that without legislation." That is fine, and I am going to withdraw the bill. There is important debate and sometimes there will be bills that we introduce that do not go anywhere after some debate over them. I think the key here is that we are looking at a slight reduction that is consistent with what we are using now to make sure it is meaningful, to save time, and to save money—as Assemblyman McArthur pointed out. Most importantly, it is really about our priorities in passing more meaningful bills through the process.

With that, I am happy to answer any questions. Hopefully, you will support [A.B. 98](#). Thank you for all your support and a special thanks to the Research Division.

Chair Miller:

Committee members, are there any questions?

Assemblywoman Monroe-Moreno:

Thank you so much for the literature [[Exhibit F](#) and [Exhibit G](#)]. I am not sure if you know this, but how many of the BDRs that are submitted are not actually introduced because the person submitting it would have been an incumbent who did not win reelection? The BDRs were submitted before the election. Do you know how many of those bills there are?

Assemblywoman Titus:

We are getting a breakdown later for all the different categories. There were so many different categories that we could look at, so we can get that information to you. It is a great question. I think it would vary every year depending on the turnaround—especially in the Assembly for those of us who turn over. Maybe a third of us turn over each time, but then we pick up those bills. I would say to you, I think the allotment is the same except for those early introductions, so after the election, you cannot introduce those follow-up ones. We get four right now if you look at that table [[Exhibit F](#)]. We can get you that figure of how many never get introduced based on if the legislator is reelected or not.

Assemblywoman Monroe-Moreno:

Thank you. That would be great to know because, yes, as incumbents we are able to put in BDRs long before the election actually happens. Sometimes that legislation never sees the light of day.

Assemblywoman Thomas:

My question is basic. To me, I am looking at this as a way of suppressing thought and ideas, especially from constituents and elected officials. I was just wondering how do you account for that? If I read this correctly, you are limiting how many BDRs are processed during a session, and that eliminates—a lot of our constituents have some good ideas, and they are the ones who are living with issues on a daily basis. When we suppress thought, we suppress a way of expanding our bases even as far as taxes and just living and injustices and a whole plethora of issues that are concerning to our constituents.

Assemblywoman Titus:

I appreciate your question because it is thoughtful, and you are representing your constituents. I think that it is really important to note that this in no way limits somebody's voice. It in no way limits the debate or the discussion about what a priority bill is or what a good bill would be. We have all had that thought when something happens to us, There ought to be a law against that. Those old expressions when we should be having meaningful thoughts and processes with our constituents. This certainly would not limit somebody reaching out to you.

I do not know how those of you on this Committee do your priority bills, but over my right shoulder there, I have a huge folder of future bill ideas and thoughts that we have collected through this session from our constituents on bills that we have heard earlier this summer or

from people who have met with us earlier this summer. You know—ah, good bill idea. Then we play that out. We have that discussion, we meet with staff, we meet with the different departments it may or may not affect, and then we choose. Maybe we can fix that via regulation, and that does not really need a bill, so we reach out to LCB. None of A.B. 98 would restrict that discussion or your meeting with your constituents.

What it does do, however, is when you have more than the five bills that you get as a new legislator—because I am sure you have had constituents with ideas and you have probably had more than five ideas—it then makes sure that you come up with your four ideas that are the best that would go forward. It whittles it down to what the actual numbers are.

Not in any way do we want folks to think that we are trying to limit our constituents' voices because the key to this is quite the contrary. The key is that when we hear their voices, we put that thoughtful debate and discussion in so that we can have a thorough discussion on what that really is all about. Thank you for the question. Hopefully, I answered your concerns.

Assemblywoman González:

Thank you for bringing this bill forward, and please correct me if I am wrong. You stated that of all the bills that we submit, about 86 percent of them get heard or go through the process. Then of those 86 percent, 50 percent of those get passed. Are those numbers correct?

Assemblywoman Titus:

No, hopefully you have that table in front of you [[Exhibit G](#)]. It was delivered to your office today.

Assemblywoman González:

Oh, yes.

Assemblywoman Titus:

What that says is not that 86 percent get heard, but we get those requests, and the actual percentage that drop as a bill is 86 percent. Then there are numbers for the bills that get enacted. We do not have a figure here for bills that went to committee or got heard. This is just those that were requested, those that were actually introduced on the floor—like what we did on the floor today—and then the third section there is the percentage that were passed. We could have a fourth section there of those that got a hearing.

Assemblywoman González:

You do not have that number?

Assemblywoman Titus:

That number is not included in this.

Assemblywoman González:

Do you know that number?

Assemblywoman Titus:

No, I would have to get that number from the Research Division. What you are looking at is the total numbers we are able to request, the total numbers that do get written and introduced up to floor, and then the percentage that actually get enacted.

Assemblywoman González:

Thank you so much for that clarification. I am just a little confused on why we would want to make this less. Can you maybe clarify that for me?

Assemblywoman Titus:

Obviously, I did not do a good job explaining when I did the bill introduction because that is what I was hoping to explain—why we would make it less. From the numbers that I submitted [[Exhibit G](#)] of the bills that were potentially able to be introduced, only about 86 percent of that do we use. Then of that, only about half of them get passed.

What you have probably seen running around the hallways right now are many bills that are going to be introduced and never get a hearing, which are clearly going down from the percentage that are introduced. You can do the math yourself on the amount that are actually passed. If 86 percent get introduced and only 58 percent get passed, what is happening to the other 28 percent? They are being left in the drawer, so you could do your fourth column based on subtracting those two numbers.

The reality is we spend a lot of time doing bills that never get a hearing or get printed and put away when we do not use the number that we potentially could. There is a lot of effort from our Legal Division of LCB, as you know from the last three days. We had to extend the deadline to make sure that, for all of those that we did want to come out, we would have the time to do so. That is the purpose of A.B. 98—saving money and time and increasing thought.

Assemblywoman González:

One last comment, and I am done. Based on that conversation, we would essentially be passing fewer bills because it would then be 80 percent of the smaller number that we got [unintelligible] about, right? And then even fewer for passing?

Assemblywoman Titus:

Quite the contrary. I do not necessarily feel that that is accurate. I think that there is no correlation to say that we would be passing fewer bills. I think we would be passing a larger percentage of bills based on the number that is introduced—potentially. My point is, in theory, we would be introducing bills that we have stronger ideas on and stronger information on, with a high likelihood of passing. Technically, that would increase the percentage of bills passed.

Assemblywoman González:

Thank you so much; unfortunately, I disagree. I think it would follow the same process. If I have five bills and you change it to four bills, the legislative process is still going to continue, right? Of those four bills, maybe two of them get passed. I think it maybe has the opposite effect, but I really appreciate your answering my question.

Assemblywoman Titus:

Thank you for the question.

Chair Miller:

Any last questions? [There were none.] Can we open the lines for anyone calling in support of Assembly Bill 98?

Lynn Chapman, State Treasurer, Independent American Party of Nevada:

I have been an unpaid citizen lobbyist going to every session since 1987. I would like to just mention that I would work on one or two bills each session because there were nowhere near as many bills back then as there are now. I would love to give gold stars to Assemblyman McArthur for bringing this bill a few sessions ago, which I did testify in support for, and to Assemblywoman Titus for bringing it back.

I remember one year, we had over 1,800 BDRs—1,800. That is crazy. We did not even get through half of them that year. It was absolutely insane. I think to save time, to save money, and to get to the important issues should be a priority. There is no way that all the bills can be heard right now. Do we really need all these bills? How many are similar and can be brought together to form one bill? I think some of the questions could be answered in A.B. 98. I like this bill. It is great, and we do support A.B. 98. Please support it too. Thank you.

Janine Hansen, State President, Nevada Families for Freedom:

I have personally participated in every session of the Legislature since I was 19 and have been a full-time citizen advocate for families and taxpayers since 1991. I remember one of the sessions that continued well into late June before the constitutional 120-day calendar limit was passed [*Nevada Constitution*, Article 4, Section 2, Subsection 2, as amended by Senate Joint Resolution 3 of the 68th Session and approved and ratified by the people at the 1998 General Election].

Assembly Bill 98 is a very reasonable bill which limits the number of bills that can be introduced by senators, assemblymen, the governor, counties, cities, and many other entities. This bill will be beneficial to legislators who suffer under the huge number of bills, the Legislative Counsel Bureau that has to write the bills, and the public, which always struggles to keep up with the deliberations of the Nevada Legislature. This bill will bring out the best of legislation and leave undone some more unimportant bills. More thought will be put into the bills that will be introduced, which will benefit our entire state. This bill will also save

money because the LCB will not have to write as many bills. This bill is a win-win for all concerned. It will improve the entire legislative process to the benefit of all. We thank those who brought it forward. Thank you very much.

Bob Russo, Private Citizen, Gardnerville, Nevada:

I urge you to please support A.B. 98. It makes perfect sense to reduce the number of legislative bills during a legislative session. The current 1,200 or so is just too many. This restricts the attention to detail that bills need before being voted on, and it most likely reduces the influence that bills deserve from the Nevada electorate. Reducing the number of bills will also weed out duplicate bills and allow us to place more focus on bills that are important. Another benefit will be savings in time and money. Perhaps our legislators will get a bit more sleep between hearings as well. Please approve this bill. Thank you very much.

David Gibbs, Private Citizen, North Las Vegas, Nevada:

I am calling in support of this bill. I think you guys have plenty on your plate. Actually, you probably have more than enough right now, and by reducing the number of bills, you can reduce the time that you have to spend on so many bills. At the same time, it allows you to spend more time and energy and effort on the things that you can be doing and should be doing. Thank you.

[There were no more callers in support. [Exhibit H](#) was submitted in support of A.B. 98 but not discussed.]

Chair Miller:

Can we open it up for anyone calling in opposition to A.B. 98? [There was no one.] Do we have anyone to testify as neutral to A.B. 98? [There was no one.] Dr. Titus, I would like to thank you for your presentation. Assemblyman McArthur, thank you for your participation as well. With that, I will close the hearing on Assembly Bill 98.

I will open the hearing on Assembly Concurrent Resolution 3. It is being presented by Assemblywoman Peters and requires the Legislative Commission to appoint an interim committee to conduct a study concerning environmental justice.

Assembly Concurrent Resolution 3: Requires the Legislative Commission to appoint an interim committee to conduct a study concerning environmental justice. (BDR R-568)

Assemblywoman Sarah Peters, Assembly District No. 24:

Thank you for the time today to present Assembly Concurrent Resolution 3 that directs the Legislative Commission to appoint a committee to study an environmental review process in the upcoming interim. "Environmental justice" is defined by the U.S. Environmental Protection Agency (EPA) as "the fair treatment 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" [from the EPA website, epa.gov/environmentaljustice]. The EPA set up the Office of Environmental Justice in 1992, which continues to offer tools and support to assist in capacity building and the consideration of environmental justice in communities across the nation. However, despite these efforts, we have seen time and again where decision-making has resulted in the disproportionate impacts to vulnerable communities.

I do not suppose to sit up here and tell the Committee that I have a solution to the environmental justice work that needs to be done in this state. In my life I have seen drought and flood; I have seen storm and wind and fire all here in the small part of the state that I call home. Through my work, I have seen injustices perpetuated by government culture unwillingly, or unknowingly, ignoring the voices of our often small, rural, and marginalized communities. At a young age, I became aware of the difference in the treatment of streets depending on the neighborhoods, but it took me much longer to understand the why. It was not until I started to work in the world of environmental review that I started to understand the unintended consequences of policy decisions and the disproportionate impacts that those decisions had on communities within my own state. I work now with communities continuing to advocate for what some would call the underdogs, and A.C.R. 3 is about giving them space and a platform to educate us on what their experience has been.

Throughout the years, environmental advocates have made advances toward policies that would review impacts of decisions on certain natural resources. Some of these ideas mimic existing federal and state rules. I work in this world and have myself thought about the benefit of an environmental review process for the state of Nevada. The truth is, though, that Nevada is a unique landscape. From our large swatches of federal land to our tribal communities and urban and rural divides, we do not fit into a reasonable formula to create a comprehensive environmental review process that would work to protect our resources and communities. In the development of this idea, I met with environmental social and racial justice advocates, stakeholders, tribes, and agencies to discuss what we needed the most. From these discussions and my own personal experience, I realized that a copycat policy was not an answer that would work for everyone. There are limitations to the processes proposed by the existing federal and neighboring state policies, and the one place that we knew where there were consistent issues was within the public involvement process, specifically related to the inclusion of our historically oppressed and marginalized communities.

I have to check myself here and list my biases and privileges. I am a cisgender, white woman in a heteronormative relationship. I am able-bodied. I am college-educated and from a family of college-educated people. I never lived with the worry of access to a roof or a bed. I am fiscally privileged and have been able to buy a home. I am here as a legislator and a decision-maker. My list goes on. Although my professional background and expertise is in this area of environmental assessment, when developing this idea with stakeholders I wanted to be very explicit that my bias could not render us ideas that would work for our most vulnerable populations.

This is why A.C.R. 3 is so important. When I talk to a community looking for technical assistance and environmental advocacy, they do not tell me about the law and how they are protected. They tell me about how they are the last invited to the table. They tell me about how when they are invited to the table, it is often as an outside party to a decision that has already been made. They tell me that they feel like pawns or puppets invited to fill an obligatory role—not because their narrative is valued and considered, but because of the obligation to meet a list of more attainable checkmarks. Today, I present to you an opportunity to invest in a public process to discuss the historic impacts of environmental injustices, to air the concerns of voiceless communities, and to establish relationships among communities and agencies on equal ground.

Assembly Concurrent Resolution 3 is a resolution establishing a legislative interim committee to study an environmental justice review process for the state of Nevada. In this process, we would invite stakeholders to have a seat at the table to open dialogue around the area of injustice and environmental impacts that have resulted in issues that we have never made space for prior. This resolution includes seats for local and state agency champions who are invested in turning the corner on environmental equity and who are willing to work together towards a policy that works for Nevadans. Assembly Concurrent Resolution 3 establishes the need and recognizes the state's existing authority to promulgate rules and regulations to address these areas. While recognizing this historic and broader understanding of what environmental justice is, it then resolves that we as a legislative body appoint a legislative committee to study environmental justice concerns for Nevada.

The resolution directs that certain considerations be made for how to address the potential policy needs, including consideration of political subdivision; subsequent costs; gaps in existing programs, policies, activities, and investments that have impeded environmental justice. The committee would also study policies and procedures for implementing a public process, a public record, and effective coordination among affected parties. It would work to identify barriers to developing an inter-agency environmental justice strategy and review any other matters related to environmental justice. The committee would commit to hosting a variety of stakeholders, including without limitation, state and local government agencies, environmental organizations, business communities, and community organizations, including indigent populations and other underserved populations.

The intent of A.C.R. 3 here is to establish champions at all levels of government who participate in the process and are committed to the implementation of the resulting recommendations within their organization. Additionally, we want to ensure that there are dedicated seats at the table for historically underrepresented communities, who for too long have not had a voice at the table as decisions are being made related to their resources and communities. I, personally, have committed to ensuring that there are travel dollars, including stipends and per diems, for participants whose participation would result in a hardship to themselves and their families, as we know that this is a barrier. We know other barriers exist, but we have yet to qualify them and identify efforts in which we can overcome those barriers. I hope this study may result in a method that can be adopted for other efforts

to ensure that historically oppressed and marginalized voices are actively brought to the table, where privilege is checked and policies are made on humility, not bias.

Ultimately, this study will provide two values for the legislative body and the participants of the study. First, a public record will be developed, documenting the narratives of participating communities. This is particularly important, as we know that it is a hardship on those communities to attend committee meetings and hearings such as this to advocate for themselves. Second, the committee will propose recommendations for how to establish an equitable environmental review process that works for the state of Nevada. I hope that we will also establish partnerships with agencies and foster champions within those agencies who are committed to maintaining the relationships established in this process and who continue to develop the policies and practices within their own agencies.

There are two friendly amendments that have come in on A.C.R. 3. I am not sure that you have them. [The amendments were not submitted to the Committee.] They came in from separate parties. The first one is presented by Great Basin Water Resource Watch, and I believe they will be testifying in support of the resolution and talk about their amendment. This adds the words "environmental quality" to some of the language to ensure that we are not just focusing in on environmental justice but also environmental quality reviews.

The second amendment adds "investments" on page 2, line 39, so it would read: "3. Gaps in existing programs, policies, activities, or investments that may impede the achievement of environmental justice" We know that there are disparities in how we have funded programs that are directed towards environmental issues.

Today I ask that you consider supporting this resolution, and I am open to any questions the Committee may have.

Chair Miller:

Do we have any questions from Committee members?

Assemblywoman Torres:

I really want to thank the presenter for this piece of legislation. I think it is so important that we look at the different ways that environmental issues have impacted our community, and I really appreciate the amendment that you made, specifically adding "investments," so we can look at how we are investing in environmental issues within our community and ensure that those investments are equitable. I really do appreciate the legislation, and I appreciate the amendments.

Chair Miller:

Are there any other members with a question? [There was no one.] We will move to testimony in support of A.C.R. 3.

Christi Cabrera, Policy and Advocacy Director, Nevada Conservation League:

I am here in support of A.C.R. 3. Climate change and other environmental issues impact everyone, but they do not impact everyone equally. The burden of pollution falls disproportionately on low-income communities and communities of color. These are the same communities that are often located far from green space and lack adequate transportation options. As a result, these communities often suffer from higher rates of asthma and other illnesses, contaminated water, and other environmental impacts. We must include these communities in all discussions surrounding climate and conservation.

In addition, it is important for us to give space to indigenous communities, who are the original stewards of the land, and recognize that they must always have a seat at the table. If we do not take the time to correct racial injustice, our work on environmental issues will only address symptoms, not root causes. We must always remember that there is no environmental justice without racial justice.

Assembly Concurrent Resolution 3 is an important first step to ensuring that everyone in our state has the same degree of protection from environmental and health hazards and opportunities to have meaningful involvement in the development, implementation, and enforcement of environmental laws, regulations, and policies. All communities, regardless of background, have the right to clean air, clean water, and an environment that enriches their livelihood. We would like to thank Assemblywoman Peters for bringing this important legislation forward, and we strongly urge the Committee's support. Thank you for your time.

John Hadder, Executive Director, Great Basin Resource Watch:

Great Basin Resource Watch is a 27-year-old nonprofit environmental justice organization based here in Reno, Nevada. We are in support of A.C.R. 3. My organization started on this journey to A.C.R. 3 and a Nevada-based environmental justice and quality review process in our work with the residents of the old Comstock Lode mining region. The region has largely been a tourist economy, highlighting the history of the old Comstock Lode mining period from 150 years ago. However, recent mining activity by Comstock Mining Inc., has caused considerable disruption to the community.

What has been much needed was a comprehensive environmental review, similar to what is provided by the National Environmental Policy Act of 1969 (NEPA) [*United States Code*, Title 42, Sections 4321 et seq.] for federal actions, but the mining operation has been entirely on private land. There has been no federal trigger for a NEPA-style review. State- and county-level permitting is narrow in focus and does not capture the full range of consequences of the proposed mine's plan. This lack of a full assessment had us thinking that there needs to be a state NEPA of some kind.

Many state and local government actions have far-reaching consequences for communities and often disproportionately affect some people. This is why environmental justice is explicit in the text. The question then arose, should Nevada just more or less copy what another state has done? There are 16 examples of state NEPA laws and some common

elements in all these state-level laws, for example, language around an environmental review process—but Nevada is unique. We need to deliberate and craft statutes that meet our needs, which is how we arrived at A.C.R. 3.

We thank Assemblywoman Peters for taking up the charge and note that it was her suggestion to pursue a legislative study. Assembly Concurrent Resolution 3 requires the interim committee to facilitate a series of broadly advertised public hearings and gather information about various aspects to consider in the development of Nevada statutes. Nevadans should see this as an opportunity [Allotted time was exceeded. [Exhibit I](#) includes a letter signed by Mr. Hadder in support of A.C.R. 3 that was submitted but not discussed.]

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

The Progressive Leadership Alliance of Nevada (PLAN) is in support of A.C.R. 3, which would initiate the development of an in-state environmental justice and quality review process. Currently, we have no state-level review process similar to NEPA at the federal level. As the number of processes throughout the state have the potential to privatize large swaths of federal land in the future, it is essential that we ensure these reviews continue at the state level.

For example, there is a current administrative process to privatize the land in and around the abandoned Anaconda Copper Mine site in Yerington. There have been public statements from the exploration company active at the site indicating an interest to begin mining again. Should this land be privatized, there would be no environmental review of re-mining of this site.

At PLAN, we know that currently indigenous, rural, and other marginalized communities are disproportionately affected by pollution and climate change. In order for our communities to thrive, we believe that policies, regulations, and practices should put people and planet first to maintain Nevada for future generations. That is why we must intentionally address and require equity in environmental planning and analysis. Assembly Concurrent Resolution 3 would ensure all Nevadans are brought to the decision-making table regarding projects that directly relate to not only their quality of life, but in many cases, their survival. We urge your support.

Brian Beffort, Director, Toiyabe Chapter, Sierra Club:

I am speaking today on behalf of the Sierra Club's 40,000 members and supporters statewide in favor of A.C.R. 3. Our economy is rife with pollution and other harm inflicted on people living downstream or downwind from industry or other toxic emissions. These costs are not reflected in the price paid by investors but are rather an additional cost paid by the public. All too often we see these harms inflicted on low-income communities and communities of color. Examples include the taking of land from indigenous communities, urban redevelopment of poorer neighborhoods, the urban heat that burns hottest in treeless minority neighborhoods in Las Vegas, Reno, and Sparks, and the poor air quality and associated health impacts that strike those same communities.

Although these communities bear the brunt of environmental injustices, we all pay the costs. The public health impacts of this pollution were estimated to cost Nevadans almost \$1 billion in medical costs alone in 2012. We also know that ZIP Codes are predictors of graduation rates, life span, and lifetime success.

A main tenet of our country is fair treatment under the law, and Nevada has broad powers related to the management of natural resources and devising and enforcing laws and regulations that impact air, climate, lands, waters, and communities of this state. Assembly Concurrent Resolution 3 gives us the opportunity to begin this work to contemplate the principles of environmental justice in these realms.

The good news is that other municipalities, cities, and states have been grappling with these challenges, and best practices are being developed in both policy and design. Assembly Concurrent Resolution 3 gives Nevada the opportunity to implement solutions. [Allotted time was exceeded. Mr. Beffort submitted his prepared written testimony, [Exhibit J.](#)]

Laura Fillmore, Private Citizen, Gardnerville, Nevada:

I am a retired public school teacher, and I have lived in the Dresslerville Colony Reservation in Nevada for the last 31 years. Carrie Dann was my friend, and I am here to speak and invoke her name and about the damage done to Mount Tenabo and the continuing environmental destruction going on there.

Because I live in Dresslerville, I would like to tell you a story. The Carson River runs right through here, right behind our house. The Leviathan Mine is upstream, a Superfund site, and obviously the damage was done well prior to NEPA and other federal legislation that might have mitigated that. We went up there one time with the elders from the language immersion school that we founded here. When we were there, the elders were giving testimony as to the cultural importance of the mining site and of the area, and our children from the immersion school were playing nearby in an open meadow. The next day, we had to call school because 11 of our 22 students were horribly ill, and they were nowhere near where the confluence was that comes out of the mine. After that, I would no longer let my own children play in the river down the hill, and we no longer ate fish from there since that time. This was in the late 1990s.

I would also like to say that the basket makers from our community cannot use the willows from the Carson River. Water is the most important thing in this state, and the reason I say that is because we live in the driest state in the nation, yet the environmental pollutants from the extraction industries really do affect that over the long term. Finally, we have witnessed what looks like a no-holds-barred kind of attitude on the federal side towards environmental policy in the last four years. I would like to say that if Nevada has a review process [Allotted time was exceeded. Ms. Fillmore submitted her prepared written testimony, [Exhibit K.](#)]

Chair Miller:

I would like to remind everyone that if you have further comments, you are encouraged to submit those in writing as well.

Lisa Ortega, Private Citizen, Las Vegas, Nevada:

I am a Sierra Club volunteer and a member of the Nevada Environmental Justice Coalition. I speak today for myself about this extraordinary resolution at an extraordinary time. I am here today to testify in support of A.C.R. 3.

With all that is going on in the world today, I applaud this resolution moving forward. Assembly Concurrent Resolution 3 is an environmental justice bill that requires an interim committee to conduct an environmental study concerning the development of a Nevada-based environmental justice, environmental quality, and fair investment review process. Instead of the developer rules-based framework often seen with Nevada's fast-paced development, this will allow a framework that protects the health of Nevadans and Nevada itself. This process can protect and improve our communities and mitigate potential adverse effects that may not have been determined in the status quo way Nevada developed. May the resolution pass. May we rise to the occasion of what it asks of Nevada lawmakers—to really dive into what we have created and what we are creating. This resolution asks us to look at decisions with a new, very specific lens on decisions, projects, and if further developments deliver, or do not deliver, for all Nevadans. Thanks for your time, and thank you for your work and your leadership. Please pass A.C.R. 3 for people you may never have the chance to meet.

Rudy Zamora, Program Director, Chispa Nevada:

Thank you for the opportunity to speak today. I am here today with Chispa Nevada, a community organizing program of the League of Conservation Voters that is building the political power of the Latino families of Nevada to have a voice in environmental decision-making. I would like to express our support for A.C.R. 3.

We believe all environmental policy pursued by the state of Nevada should have equity as a clear and central component and should tend to the needs and priorities of communities most affected by environmental pollution. In Nevada, this means the low-income communities of color who are more likely to live near sources of pollution or waste or to live in areas that are physically hotter. It means the Black, indigenous, and other people of color who breathe in dirtier air and drink dirtier water, who disproportionately pay more for their basic utilities despite contributing less to energy and transportation use or to pollution. It means the people with the fewest resources shouldering the burden of pollution for those who pollute.

We applaud this effort to study this issue so that the state can enact policies that are just, equitable, and targeted. We also recommend that this resolution look into the establishment of an environmental justice screening tool to ensure that funding from state policies reaches historically underserved communities in this state, particularly low-income Black, Brown, indigenous, and other people of color, and to provide accountability for ensuring funds are

appropriately distributed. It is important that state policies are targeted and policymakers are using socioeconomic and public health data to support communities most vulnerable to the worst impacts of climate change. An environmental justice tool will help us with this. Nevada will only be able to achieve its climate goals when all communities are at the table and benefiting from policies and technologies that improve the quality of air they breathe and the water they drink. Assembly Concurrent Resolution 3 is a critical step to address historical inequalities that have made communities of color most vulnerable to pollution and put the state on the path forward to address the climate crisis. Thank you for your time.

Stevie Applewhite, Coordinator, Reno Hub, Sunrise Movement:

I am representing the Reno Hub of the Sunrise Movement, and I am a member of the Nevada Environmental Justice Coalition. I am here in support of A.C.R. 3, and I would like to thank Assemblywoman Peters and Assemblyman Watts and everyone on the call and in support for recognizing the importance of the air we breathe, the water we drink, the people we love, and the places we call home. I hope that this bill passes. Thank you.

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

The Center for Biological Diversity is a founding member group of the Nevada Environmental Justice Coalition. Thank you to Assemblywoman Peters for sponsoring this important study proposal. This [unintelligible] protects our clean air, clean drinking water, our wildlife, ensures we have food on our planet. The foundation of this [unintelligible] is informed decision-making, wherein agencies analyze the potential environmental impacts of projects and proposals and base decisions on working toward ways to minimize or mitigate such impacts. This provides protection for our federally managed lands and wildlife in this state, but no similar statute exists at the state level. Right now, we have a hodgepodge of environmental protection laws at the state level but no mandate for universally informed decision-making on the environment. This is a significant flaw in Nevada law that needs to be remedied. Now, we do have laws to protect water and air even if such protections are minor at the state level. We have no laws to protect environmental justice. In proposals involving state or county governments in Nevada, disadvantaged communities are left [unintelligible].

Assemblywoman Peters proposed the right way forward. Rather than producing a bill all fully baked and ready to go, this proposal would establish a legislative interim committee to gather input on what an environmental quality and environmental justice program might look like. This will help ensure that when an end bill is brought forward, it has significant buy-in from the numerous parties who would provide input during the legislative study. The need for this legislation is indisputable. A study will be the best way to ensure widespread buy-in on the proposal and will craft the most meaningful and best-informed legislation possible for the future. Thank you.

Cynthia Moore, National Lead, EcoMadres:

I am the National Lead for EcoMadres, which is a project of Moms Clean Air Force, and am a proud member of the Nevada Environmental Justice Coalition. EcoMadres is a program

that educates, engages, and empowers Latino moms and dads to have conversations with lawmakers about the environment's effects on our children's health.

Today, I am calling in support of A.C.R. 3, which requires a legislative study on the development of an in-state environmental justice and quality review process. It would incorporate environmental justice and quality considerations for in-state governmental decision-making. This is a step in the right direction to help address poor outreach for alerting the public with an emphasis on communities of color, low-income communities, and those who have been marginalized.

Recently, we saw a lack of outreach in the series of listening sessions from the State of Nevada Climate Initiative. These listening sessions were originally only scheduled in English, and only after receiving pressure from organizations like ours, the state conducted one listening session in Spanish. However, the participation was low with only 16 people participating. This is in part due to the lack of outreach to our community and also in the nature of the inaccessibility to the listening session. People were required to go to a website to register and were only able to participate if they had access to the Internet. This left out a huge chunk of our population in a very important process that would determine our state's climate action plan.

When 66 percent of the Latino community in the United States live in areas that do not meet the federal standards for air quality [*Hidden Danger: Environmental Health Threats in the Latino Community*, October 2004, prepared by the Natural Resources Defense Council] and are not given the opportunity to provide input in a process that will determine laws, regulations, and procedures that will directly affect them and their families' health, it is important for our state to look at ways to improve these processes and be more inclusive. I applaud Assemblywoman Peters and Assemblyman Watts for bringing this legislation forward. Thank you.

Kyle Roerink, Executive Director, Great Basin Water Network:

We support this resolution, and we ask you all to do the same. I just want to echo everything that has already been said so eloquently by so many others.

I want to throw out one thing before I end. We have invoked NEPA a number of times this afternoon. It has twin goals: to foster informed decision-making as it relates to significant environmental impacts, and to promote informed public participation. As it relates to that last goal, I think what we are really asking for here is a study to help us get to a point where we can—at a state level—have greater conversations about what are unintended impacts of a proposal and what do communities want. I think a forum where this can happen would certainly benefit the state. Again, I just want to echo what has already been said. Please support this resolution. Thank you so much.

Jaina Moan, Director of External Affairs, The Nature Conservancy:

We are here to voice support for A.C.R. 3. As a global organization dedicated to conserving the lands and waters on which all life depends, we believe that to be effective in helping the

environment, we must implement solutions that are inclusive, just, and equitable. We want to be sure that our environmental solutions do not repeat past mistakes by manifesting harm or injustice. Climate change is forcing us to rethink how we power our economy. As we embark on the road to a new, net-zero carbon economy, we can ensure a just transition by incorporating standards of equity in our institutional norms and decision-making processes. To get there, we must first understand where present environmental injustice is experienced and felt in Nevada.

Assembly Concurrent Resolution 3 seeks to do these things. We applaud Assemblywoman Peters for proposing this study. The Nature Conservancy offers our support and help in any way that is appropriate. We urge the Committee to support A.C.R. 3. Thank you for hearing our testimony.

Chelsey Hand, Outreach and Program Coordinator, Great Basin Resource Watch:

Please note our written comments [[Exhibit I](#)] sent yesterday in support of this testimony. In them you will see an appendix showing a map of all the states that have some kind of state-level NEPA [page 5]. Of those states, please note Montana. It is interesting that they were very early in adopting their Montana Environmental Policy Act (MEPA) [*Montana Code Annotated*, Title 75, Chapter 1, Parts 1 through 3] and that it was adopted with a Republican-led House of Representatives and a Democrat-led Senate. I want to note some quotes from Republican Representative George Darrow who sponsored Montana's act [From the foreword to *A Guide to the Montana Environmental Policy Act*, 2019 revision, published by the Environmental Quality Council, Legislative Environmental Policy Office]:

MEPA significantly expanded the public right to participate in the decisions of government. Such impact statements were in effect deeply conservative provisions requiring thoughtful, informed, and deliberate consideration of the consequences and impacts of state actions. Simply expressed, they mandated, "Look before you leap."

MEPA was purposeful in establishing a process whereby Montana can anticipate and prevent unexamined, unintended, and unwanted consequences rather than continuing to stumble into circumstances or cumulative crises that the state can only react to and mitigate. Again, simply expressed in country vernacular, "An ounce of prevention is worth a pound of cure."

Since its passage, MEPA has undoubtedly saved the State of Montana from proceeding with hasty, ill-considered, and costly actions that may have foreclosed future opportunities or cost tens of millions of dollars to mitigate, restore, or repair.

What we are embarking upon is equity, justice, and clear-headed decision-making for the benefit of all Nevadans. This means inclusion and attention on people that can be disproportionately affected by government actions. Please support A.C.R. 3. Thank you so much.

Chair Miller:

I want to remind everyone that when you call in, you are more than welcome to say, "ditto" or "I echo the previous comments." That will be taken as support for the measure.

Dexter Lim, Coordinator, Las Vegas Hub, Sunrise Movement:

We are a youth-based climate organization and proud member of the Nevada Environmental Justice Coalition. Environmental injustice is visible everywhere in Las Vegas, from the disparate impacts of air quality on communities of color to the exacerbation of the urban heat island effect, to the lack of accessible public transit that makes it nearly impossible to even function within the city without a personal vehicle. For too long, when agencies and nonprofits thought about environmental or conservation concerns, the processes prioritized the interests of majority white and higher income organizations and communities. To truly address the causes of the climate crisis, we must begin with centering the voices and lived experiences of those most impacted by environmental collapse. Beginning a study into a Nevada environmental justice and quality act would be a critical step towards righting these historic wrongs and securing a better future for our state.

Nevada has begun bringing environmental justice into climate action most recently through the State Climate Strategy that wrapped up last year. Starting to discuss environmental justice in a review process would only lend further credence to this positive change. For right now, the only environmental review for nonfederal projects is a state permitting process. These processes are less than inclusive and rarely address environmental injustice directly. This is a glaring oversight in our state's regulatory structure. As the climate crisis worsens, processes like environmental review are only going to become more and more important. Assembly Concurrent Resolution 3 is the first step towards making sure Nevada does not further entrench environmental injustice and starts making positive changes to combat the climate crisis in a just and community-oriented way. We support A.C.R. 3 and urge our representatives to do the same. Thank you very much for your time.

Jennifer Cantley, Nevada Field Consultant, Moms Clean Air Force:

I am a field consultant with Moms Clean Air Force and also a proud member of Sierra Club and the Nevada Environmental Justice Coalition. I am speaking today to talk about environmental justice.

Three years ago, U.S. Senator Dean Heller brought to my attention a situation out in Lyon County, Nevada. The situation involved many constituents who were having poor air quality that was filling their lungs. Senator Heller asked if I would go out and organize around this issue. I quickly organized the community and met with the leaders that had a petition of over 1,700 signatures of local residents complaining about toxic air filling their air. I walked around this community and saw how trees were dying, how these citizens could

not breathe just going around their neighborhoods, and how they had to turn off their swamp coolers, even in 90-degree-plus weather in Nevada.

I had these citizens write letters to Lyon County and Carson City about doing air quality tests, but the communities were quickly blaming each other about who should be doing these air quality tests. I did not live in this community. We did get a meeting in front of the Division of Environmental Protection [of the State Department of Conservation and Natural Resources], and I watched the same battle happen right in front of my eyes in the meeting with the Division of Environmental Protection. In this meeting, I spoke up and said not only were we not following our own laws here in the state of Nevada and the county, but we were breaking laws underneath the Clean Air Act [*United States Code*, Title 42, Sections 7401 et seq.]. We also brought attention to who approved the license for the "green" asphalt factory when, if we walked a simple 15 minutes to cross the county border line, there was a low-income, primarily Latino and Native American community that was going to be jeopardized because of this dirty air.

There needs to be a cumulative analysis that would address this air quality in a holistic way to consider existing . . . [Allotted time was exceeded.]

Ainslee Archibald, Private Citizen, Las Vegas, Nevada:

I have had the opportunity in the past year to be part of several governmental processes in my role as Coalition Coordinator for the Nevada Environmental Justice Coalition. To be clear, I am still speaking on my behalf—I am just talking about my experiences in that role.

I have seen that while state and local agencies seem to genuinely want to take environmental justice into consideration and decision-making, processes often fall short in terms of just outreach and consultation. When processes fail to make decision-making structures accessible to the public, marginalized communities are going to be the most overlooked.

Our government seems to really like relying on surveys as a way to collect public opinion. Surveys have been a tool for both the State Climate Strategy process and Transform Clark County. I will charitably assume this is because the pandemic makes outreach difficult, agencies never have enough funding to do much of anything, and that if circumstances were different, they would be doing more. However, the demographics who respond to these surveys just do not reflect the demographics of the communities most impacted by the decisions they are about. People like me—people who do this full time and care deeply about the machinations of our state and local governments—will make time to read every email and tweet and visit every website and meeting. But for the people who cannot pay that much attention, for people who have real jobs and families to support and who are not just random teenagers sitting around on Zoom calls, I would imagine it is difficult to see themselves as a vital part of any decision-making process.

All this is to say that Nevada is currently lacking in terms of just decision-making structures. This reveals itself both through processes like those I discussed and through the lack of a cohesive, in-state environmental justice and quality review process. We need a more

coherent and uniform public process for permitting and other governmental action, and we need the state to make an explicit effort to include underrepresented and disproportionately affected communities. I urge you to support A.C.R. 3. Thank you.

[There were no more callers in support.]

Chair Miller:

Do we have any callers in opposition to A.C.R. 3?

Bob Russo, Private Citizen, Gardnerville, Nevada:

I urge you to please oppose A.C.R. 3. In the envelope of environmental justice, it appears that this resolution could undermine various industries, such as private property ownership, ranching, farming, and mining, as contributing to environmental exploitation. I see this as a path toward more and more regulations, which will end up hurting industries and jobs, particularly in our rural communities. In the end, it will certainly cause more hardship than benefit to the people of Nevada.

In my opinion, this is California 2.0. We have seen what happens when strict environmental policies are enforced in that state. Poor forest management and the destruction of the timber industry, for example, have resulted in the buildup of fuel and excess wildfires. Too much reliance on renewable energy that cannot keep up with demand has caused rolling blackouts and rising utility costs. What has California gained from all the regulations? Rising costs for goods and services, more taxes, and a greater burden on the people of California. If we continue in California's footsteps, this state will be finished too. It will no longer be the gem that has attracted so many people to come here. People will end up leaving just like they are doing in California today. Again, I ask you to please oppose A.C.R. 3. Thank you very much.

Janine Hansen, State President, Nevada Families for Freedom:

I am a native Nevadan and was born and raised in Sparks. I have lived in rural Elko County for the last 15 years. [Ms. Hansen read from prepared written testimony, [Exhibit L](#).]

We have serious concerns about the ultimate consequences of ACR3. We have many questions about just what "environmental justice" will mean to our Nevada citizens, our industries, businesses, and freedoms.

ACR3 seeks to impose "environmental justice", by using the force of government, including the use of permitting, proposing legislation, promulgating regulations and enforcement in order to obtain their objectives.

What are the objectives of ACRE and how will they impact ranching, mining, energy production, and other industries? How will "environmental justice" impact our economy and businesses? Who will suffer under more government regulations, legislation and enforcement?

ACR3 identifies "exploitation of natural resources". What does that mean? Are ranching and mining included in what ACR3 identifies as exploitation? This resolution could cause serious damage to the economy and more importantly ACR3 could cause serious damage to individual property rights which are a fundamental unalienable rights.

What this resolution does not acknowledge is that there are many current inheritable Property Rights on Nevada's land including grazing rights, mineral rights, property rights and water rights. I see no protections recognized in this bill that protect property rights from more government regulations, legislation and enforcement, but exactly the opposite.

Nevadans are already suffering from Federal encroachment of their rights by environmentalists. ACR3 makes it easier for the government of the State of Nevada to encroachment on their rights. Oppose ACR3.

I have been working on the land issues in Nevada since the 1970s, and we need to preserve and protect the land, but we also need to keep government in balance. [Allotted time was exceeded.]

Lynn Chapman, State Treasurer, Independent American Party of Nevada:

We are opposed to A.C.R. 3. This resolution is very concerning. Many Nevadans' rights are being dissolved by our government already. We have so many regulations that it is becoming more difficult just to live our lives. We need to pay attention to government interference on our rights, as Americans and as Nevadans. We have to worry about our private property rights, our public property rights, and our businesses—all of that might be in jeopardy. Also, much of the wording of this resolution is very troublesome and questionable, such as "exploitation of its natural resources" [page 1, line 18]. This is very disconcerting. Please oppose A.C.R. 3. Thank you.

David Gibbs, Private Citizen, North Las Vegas, Nevada:

Ditto to what everybody has said who has spoken in opposition to this resolution. The language is nebulous, and I think it is way too open to interpretation and potential abuse. Thank you.

[There were no more callers in opposition. [Exhibit M](#) was submitted in opposition to A.C.R. 3 but not discussed.]

Chair Miller:

Do we have anyone who would like to testify as neutral on A.C.R. 3?

Allen Biaggi, representing the Nevada Mining Association:

The Nevada Mining Association is neutral on A.C.R. 3. As we have discussed, this resolution would establish an interim committee concerning environmental justice. The mining industry in Nevada has always supported the fair treatment and meaningful

involvement of all people impacted or potentially impacted by the development of our projects. The industry strives to engage and seeks solutions to issues of equity, public health, and environmental protection to ensure the communities we live and work in are healthy and have vibrant economies.

While A.C.R. 3 would set up an interim committee to study important environmental issues in Nevada, we are concerned about duplicating the requirements of the federal National Environmental Policy Act and setting up overly burdensome, costly, and time-consuming review processes. The experiences and lessons learned from other states who have enacted similar provisions should be closely evaluated. We must make sure that we do not make the same mistakes, which can significantly add to the cost of projects, unnecessarily delay them, or provide avenues for frivolous litigation. We look forward to working with this Committee and the bill sponsors in moving forward. Thank you.

[There were no more callers in neutral.]

Chair Miller:

I will close the hearing on A.C.R. 3. We will move on to our next agenda item, which is public comment. Is anyone interested in making public comment? [There was no one.]

I would be remiss not to thank Assemblywoman Peters for bringing forth the legislation and her presentation. I still do not see anyone for public comment. Our next meeting will be this Thursday, March 18. With that, this meeting is adjourned [at 5:33 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Green
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 95](#), submitted by Marsheilah D. Lyons, Deputy Research Director, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 121](#), submitted by Marsheilah D. Lyons, Deputy Research Director, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 166](#), submitted by Marsheilah D. Lyons, Deputy Research Director, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is a document titled "Number of Legislative Measures that May be Requested for Drafting: Revised as Proposed in Assembly Bill 98," prepared by the Research Division, Legislative Counsel Bureau, submitted and presented by Assemblywoman Robin L. Titus, Assembly District No. 38.

[Exhibit G](#) is a document titled "Number of Bill Draft Requests (BDRs), Number of BDRs Introduced as Bills/Resolutions, and Number of Bills/Resolutions Enacted: 1989-2019," prepared by the Research Library, Legislative Counsel Bureau, submitted and presented by Assemblywoman Robin L. Titus, Assembly District No. 38.

[Exhibit H](#) is a letter dated March 13, 2021, submitted by Kelley Radow, Private Citizen, Reno, Nevada, in support of [Assembly Bill 98](#).

[Exhibit I](#) is material submitted by Chelsey Hand, Outreach and Program Coordinator, Great Basin Resource Watch, consisting of the following:

1. A letter to the Assembly Committee on Legislative Operations and Elections dated March 16, 2021, signed by John Hadder, Executive Director, Great Basin Resource Watch, in support of [Assembly Concurrent Resolution 3](#).
2. A document titled "Appendix A," containing background information about the origins and processes of the National Environmental Policy Act of 1969 [42 U.S.C. §§ 4321 et seq.].
3. A document titled "Appendix B: Examples of NEPA Successes," containing two copyrighted articles from *NEPA Success Stories: Celebrating 40 Years of Transparency and Open Government*, dated August 2010, published by the Environmental Law Institute:
 - a. "Protecting Drinking Water from Uranium Mill Wastes."
 - b. "Preserving a Historic Brick Highway."

[Exhibit J](#) is written testimony dated March 16, 2021, submitted by Brian Beffort, Director, Toiyabe Chapter, Sierra Club, in support of Assembly Concurrent Resolution 3.

[Exhibit K](#) is written testimony dated March 16, 2021, submitted by Laura Fillmore, Private Citizen, Gardnerville, Nevada, in support of Assembly Concurrent Resolution 3.

[Exhibit L](#) is written testimony dated March 16, 2021, submitted by Janine Hansen, State President, Nevada Families for Freedom, in opposition to Assembly Concurrent Resolution 3.

[Exhibit M](#) is written testimony dated March 16, 2021, submitted by Mitchell J. Krebs, President and Chief Executive Officer, Coeur Mining, Inc., in opposition to Assembly Concurrent Resolution 3.