

ASSEMBLY BILL NO. 71—COMMITTEE ON NATURAL RESOURCES

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

PREFILED JANUARY 30, 2023

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.

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:

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

Sections 1-8 of this bill define various terms relating to environmental justice and the interim study required by **section 9**.



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

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

Sec. 2. "Cumulative environmental burden" means the overlap and amplification of environmental burdens in a manner that disproportionately impacts a given geographic area.

Sec. 3. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

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

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

2. Air and water pollution;

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

4. Excessive noise;

5. Inadequate remediation of pollution;

6. The reduction of groundwater levels;

7. Increased flooding or storm water flows;

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

9. Excessive energy costs and increased energy outages;

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

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

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

Sec. 5. "Environmental justice" means, with respect to the development, implementation and enforcement of environmental laws and regulations, the fair treatment and meaningful involvement of all people regardless of race, color, national origin, English language proficiency or income.

Sec. 6. "Fair treatment" means that no group of people bear a disproportionate share of the negative consequences resulting from industrial, governmental or commercial operations or policies.



* A B 7 1 R 1 *

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 contract with a private entity to conduct
26 the study.

27 3. In carrying out the study, the Division shall coordinate and
28 collaborate with governmental agencies, affected communities, the
29 public and other interested stakeholders, including, without
30 limitation:

31 (a) Federal, state and local governmental agencies that oversee
32 laws relating to air quality, environmental protection, public health,
33 natural resources and transportation;

34 (b) Tribal governments;

35 (c) Research institutions;

36 (d) Representatives of environmental organizations;

37 (e) Representatives of the business community; and

38 (f) Representatives of community organizations, including,
39 without limitation, community organizations of indigent populations
40 and underserved communities.

41 4. If the Division contracts with a private entity to conduct the
42 study pursuant to subsection 2, all state agencies must collaborate
43 with the private entity in conducting the study, as necessary, and
44 provide the private entity with any information requested by the



1 private entity to such extent as is consistent with their other lawful
2 duties.

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

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

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

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

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

