

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Assembly Committee on Government Affairs

This measure may be considered for action during today's work session.

ASSEMBLY BILL 312

Establishes provisions relating to environmental justice. (BDR 40-157)

Sponsored By: Assemblywoman Peters
Date Heard: March 28, 2023
Fiscal Notes: Effect on Local Government: No.
Effect on the State: Yes.

Assembly Bill 312 creates within the Office of Minority Health and Equity of the Department of Health and Human Services the Commission on Environmental Justice, which consists of nine members who must be selected by the Governor from a list of persons submitted by the Office.

Amendments: See attached amendment.

Assembly Bill 312
Conceptual Amendment v2
Prepared by Assemblywoman Sarah Peters
4/11/2023

1. Change all references to “Commission on Environmental Justice” to “Environmental Justice Advisory Council”

2. Revise Section 6 to define the makeup of the Advisory Council.

The Advisory Council shall be made up of members that meet the following criteria and are considered to be reflective of the diversity of Nevada, including:

- Two representatives from census tracts with poor air quality as identified by the Environmental Protection Agency’s Environmental Justice Screening and Mapping Tool
- One representative from a tribal community
- One representative from a mining impacted community within a certain distance from a mine and is not an employee of a mine
- One representative who is a member or officer of a union representing workers in the building and construction trades
- One member that works in the field of environmental science including climate change
- One member with expertise in public health
- One natural resource industry representative
- One agriculture industry representative

The Advisory Council should also represent various regions of the state:

- 5 members living in Clark County
- 2 members living in Washoe County
- 2 members from outside Clark and Washoe counties

3. Revise Section 7 to define the duties of the Advisory Council.

The Environmental Justice Advisory Council shall:

- Provide independent advice and recommendations to the Nevada Department of Natural Resources, the Environmental Commission, and state legislature and may provide similar advice to other agencies upon their request or the request of the Governor
- Conduct evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.
- Strengthen its partnerships with State, Tribal or local governments relating to environmental justice.
- Engage all governing stakeholders on matters concerning environmental justice, including the state, cities, counties, municipalities, and Tribal governments.
- Prepare a biannual report to the legislature.

- Hold community conversations where communities can raise environmental justice concerns to the council. Community conversations have to be geographically accessible to communities across the state.

4. Strike Sections 8, 11, 12, 14, 15, 16, 17, 18 on regulatory authority.

5. Add a new section to define “environmental justice,” “fair treatment,” and “meaningful involvement.”

“Environmental justice” is the fair treatment and meaningful involvement of all people regardless, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.

“Fair treatment” means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.

“Meaningful involvement” means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public’s contributions can influence the regulatory agency’s decision;
- Community concern will be considered in the decision making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.

6. Add new sections to:

- Give the Environmental Justice Advisory Council the ability to accept grants, awards, donations, and funds such as IRA funds.
- Give the Environmental Justice Advisory Council the authority to grant sub-awards and sub-grants to organizations through a competitive process determined by the Advisory Council for projects which maximize climate, public health, environmental, workforce, and economic benefits and gives prioritization to disadvantaged communities.