

ASSEMBLY BILL NO. 312—ASSEMBLYWOMAN PETERS

MARCH 16, 2023

Referred to Committee on Government Affairs

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

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; creating the Environmental Justice Advisory Council; setting forth certain duties of the Council; authorizing the Council to establish a program to award grants of money; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Office of Minority Health and Equity within the
2 Department of Health and Human Services to: (1) improve the quality of health
3 care services for members of minority groups; (2) increase access to health care
4 services for members of minority groups; (3) disseminate information to and
5 educate the public on matters concerning health care issues of interest to members
6 of minority groups; and (4) develop recommendations for changes in policy and
7 advocate on behalf of minority groups on certain issues. (NRS 232.474) **Section 6**
8 of this bill creates within the Office the Environmental Justice Advisory Council,
9 which consists of nine members who must be selected by the Governor from a list
10 of persons submitted by the Office.

11 **Section 7** of this bill sets forth the duties of the Council, which include
12 providing advice to the Legislature and the Division of Environmental Protection of
13 the State Department of Conservation and Natural Resources and, upon request, the
14 Governor or any other state agency, on matters relating to environmental justice.
15 **Section 7** also requires the Council to submit a biennial report to the Legislature
16 describing the work of the Council during the biennium and any recommendations
17 for legislation.

18 **Section 7.3** of this bill authorizes the Council to establish, by regulation, a
19 program to award grants of money to eligible entities for projects which: (1)
20 maximize climate health, public health and environmental, workforce and
21 economic benefits; and (2) prioritize disadvantaged communities in this State.

22 **Sections 4-5** of this bill define certain terms relating to the Council.



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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7.3, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 7.3, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 4 to 5, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** (Deleted by amendment.)

9 **Sec. 4.** *“Council” means the Environmental Justice Advisory*
10 *Council created by section 6 of this act.*

11 **Sec. 4.2.** *“Environmental justice” means, with respect to the*
12 *development, implementation and enforcement of environmental*
13 *laws, regulations and policies, the fair treatment and meaningful*
14 *involvement of all people, regardless of color, national origin or*
15 *income.*

16 **Sec. 4.4.** *“Fair treatment” means that no group of people*
17 *bear a disproportionate share of the negative consequences*
18 *resulting from industrial, governmental or commercial operations*
19 *or policies.*

20 **Sec. 4.6.** *“Meaningful involvement” means:*

21 1. *All persons have the opportunity to participate in decisions*
22 *about activities that may affect the health and environment of the*
23 *public;*

24 2. *The concerns of the public are considered during the*
25 *decision making process of the state agency; and*

26 3. *The state agency seeks out and facilitates the involvement*
27 *of any persons potentially affected by a decision when making*
28 *decisions.*

29 **Sec. 5.** *“Office” means the Office of Minority Health and*
30 *Equity of the Department of Health and Human Services created*
31 *by NRS 232.474.*

32 **Sec. 6. 1.** *The Environmental Justice Advisory Council is*
33 *hereby created within the Office.*

34 2. *The Council consists of nine members appointed by the*
35 *Governor from a list of persons recommended by the Office as*
36 *follows:*

37 (a) *Two members who reside in census tracts in this State that*
38 *are identified as having poor air quality by the environmental*
39 *justice screening and mapping tool of the United States*
40 *Environmental Protection Agency;*

41 (b) *One member who represents a tribal community;*



1 (c) One member who represents a community impacted by
2 mining and who may not be an employee of a mining company;

3 (d) One member who is a member or officer of a union
4 representing workers in the building and construction trades;

5 (e) One member who works in the field of environmental
6 science and climate change;

7 (f) One member who has expertise in public health;

8 (g) One member who represents the natural resource industry;
9 and

10 (h) One member who represents the agricultural industry.

11 3. The Governor shall ensure that members appointed
12 pursuant to subsection 2 also reflect the geographic diversity of
13 this State such that:

14 (a) Five members are residents of a county whose population
15 is 700,000 or more;

16 (b) Two members are residents of a county whose population is
17 100,000 or more but less than 700,000; and

18 (c) Two members are residents of a county whose population is
19 less than 100,000.

20 4. A person seeking to serve on the Council must submit his
21 or her application to the Office for consideration.

22 5. Each member of the Council serves a term of 4 years.
23 Members may be reappointed for additional terms of 4 years. Any
24 vacancy occurring in the membership of the Council must be filled
25 in the same manner as the original appointment.

26 6. At the first regular meeting of each odd-numbered year,
27 the members of the Council shall elect a Chair by majority vote
28 who shall serve until the next Chair is elected.

29 7. A majority of the members of the Council constitutes a
30 quorum for the transaction of business, and a majority of those
31 members present at any meeting is sufficient for any official
32 action taken by the Council.

33 8. While engaged in the business of the Council, each
34 member is entitled to receive:

35 (a) A salary of not more than \$80 per day, as established by the
36 Council; and

37 (b) The per diem allowance and travel expenses provided for
38 state officers and employees generally.

39 9. The Office shall provide administrative support to the
40 Council as necessary to carry out the duties of the Council.

41 **Sec. 7. 1. The Council shall:**

42 (a) Advise the Legislature and the Division of Environmental
43 Protection of the State Department of Conservation and Natural
44 Resources and, upon request, the Governor or any other state



1 *agency, with respect to all matters relating to environmental*
2 *justice in this State;*

3 *(b) Evaluate strategic, scientific, technological, regulatory,*
4 *community engagement and economic issues relating to*
5 *environmental justice;*

6 *(c) Create and strengthen partnerships with other state*
7 *governments, tribal governments and local governments relating*
8 *to environmental justice;*

9 *(d) Engage all stakeholders on matters concerning*
10 *environmental justice, including, without limitation, this State,*
11 *state agencies, local governments and tribal governments; and*

12 *(e) Hold conversations with communities throughout this State*
13 *to discuss the environmental justice concerns of such*
14 *communities. Such conversations must be held in locations that*
15 *are geographically accessible to communities throughout this*
16 *State.*

17 *2. On or before February 1 of each odd-numbered year, the*
18 *Council shall prepare and submit a written report to the Director*
19 *of the Legislative Counsel Bureau for transmittal to the*
20 *Legislature concerning the work of the Council on the matters*
21 *described in subsection 1 and any recommendations for legislation*
22 *on matters relating to environmental justice.*

23 *3. The Council may accept gifts, grants, donations, bequests*
24 *and devises from any source to carry out the provisions of sections*
25 *2 to 7.3, inclusive, of this act.*

26 **Sec. 7.3. 1.** *The Council may, within the limits of legislative*
27 *appropriations and other available money, establish a program to*
28 *award grants of money through a competitive process to eligible*
29 *entities for projects which maximize climate health, public health*
30 *and environmental, workforce and economic benefits and which*
31 *prioritize disadvantaged communities in this State.*

32 *2. The Council may adopt regulations to carry out the*
33 *provisions of this section.*

34 **Sec. 8.** (Deleted by amendment.)

35 **Sec. 9.** (Deleted by amendment.)

36 **Sec. 10.** (Deleted by amendment.)

37 **Sec. 11.** (Deleted by amendment.)

38 **Sec. 12.** (Deleted by amendment.)

39 **Sec. 13.** (Deleted by amendment.)

40 **Sec. 14.** (Deleted by amendment.)

41 **Sec. 15.** (Deleted by amendment.)

42 **Sec. 16.** (Deleted by amendment.)

43 **Sec. 17.** (Deleted by amendment.)

44 **Sec. 18.** (Deleted by amendment.)



1 **Sec. 18.5.** The provisions of subsection 1 of NRS 218D.380
2 do not apply to any provision of this act which adds or revises a
3 requirement to submit a report to the Legislature.

4 **Sec. 19.** This act becomes effective on July 1, 2023.

