

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

**Eighty-Second Session  
March 9, 2023**

The Committee on Legislative Operations and Elections was called to order by Chair Michelle Gorelow at 4:05 p.m. on Thursday, March 9, 2023, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. 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/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Michelle Gorelow, Chair  
Assemblywoman Brittney Miller, Vice Chair  
Assemblyman Rich DeLong  
Assemblywoman Jill Dickman  
Assemblyman Reuben D'Silva  
Assemblywoman Cecelia González  
Assemblyman Brian Hibbetts  
Assemblyman Richard McArthur  
Assemblyman Cameron (C.H.) Miller  
Assemblywoman Daniele Monroe-Moreno  
Assemblywoman Sabra Newby

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Steve Yeager (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Sarah Peters, Assembly District No. 24

**STAFF MEMBERS PRESENT:**

Haley Proehl, Committee Policy Analyst  
Shuruk Ismail, Committee Manager  
Kristi Howard, Committee Secretary  
Garrett Kingen, Committee Assistant

Minutes ID: 432



**OTHERS PRESENT:**

Emily Persaud-Zamora, Executive Director, Silver State Voices  
Mark Wlaschin, Deputy Secretary for Elections, Office of the Secretary of State  
Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Jennifer Willett, Nevada Grassroots Manager, All Voting is Local  
Annette Magnus, Executive Director, Battle Born Progress  
Briana Escamilla, Director, Regional Organizing, Planned Parenthood of the Rocky Mountains  
Eric Jeng, Acting Executive Director, One APIA Nevada  
Tony Ramirez, Government Affairs Manager, Make the Road Nevada  
Aria Flores, representing Chispa Nevada  
Taylor Patterson, Executive Director, Native Voters Alliance Nevada  
Sadmira Ramic, Voting Rights Attorney, American Civil Liberties Union of Nevada  
Prince Cunanan Saruhan, Private Citizen, Reno, Nevada  
Betsy Strasburg, Private Citizen, Carson City, Nevada  
Richard Nagel, Private Citizen, Carson City, Nevada  
Heather Koche, Private Citizen, Carson City, Nevada  
Jim DeGraffenreid, National Committeeman, Nevada Republican Party  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada  
Maya van Rossum, Founder, Green Amendments For the Generations  
John Solomon, Private Citizen, Fallon, Nevada  
Kyle Roerink, Executive Director, Great Basin Water Network  
Cynthia Moore, Coalition Coordinator, Nevada Environmental Justice Coalition  
Laekyn Kelley, Private Citizen, Las Vegas, Nevada  
Teresa Melendez, Private Citizen, Reno, Nevada  
Olivia Tanager, Environmental Justice Program Manager, Progressive Leadership Alliance of Nevada  
John Hadder, Director, Great Basin Resource Watch  
Nick Christenson, representing Toiyabe Chapter, Sierra Club  
Sarah Wochele, Private Citizen, Las Vegas, Nevada  
Shaun Navarro, Private Citizen, Las Vegas, Nevada  
Chasity Martinez, Private Citizen, Reno, Nevada  
Lisa Ortega, Executive Director, Nevada Plants  
Daryl John Meier, Private Citizen, North Las Vegas, Nevada  
Courtney Hafner, Private Citizen, Yerington, Nevada  
Tristan Campbell, Private Citizen, Yerington, Nevada  
Maeve Moynihan, Private Citizen, Yerington, Nevada  
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League  
Kassandra Lisenbee, Outreach and Program Coordinator, Great Basin Resource Watch  
Jonathon McNeill, Private Citizen, Reno, Nevada  
Danny Thompson, representing International Union of Operating Engineers Local 3;  
and International Union of Operating Engineers Local 12

Jeremy Newman, Assistant Business Manager, International Brotherhood of Electrical Workers Local 396  
Tom Morley, representing Laborers Local 872  
Sam Johnston, Policy Manager, Interwest Energy Alliance  
Janine Hansen, State President, Nevada Families for Freedom  
Bob Russo, Private Citizen, Gardnerville, Nevada  
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber  
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association  
Frederick Partey, Chair, Environmental Committee, Nevada Mining Association  
Wiz Rouzard, Deputy State Director, Americans for Prosperity-Nevada  
Lynn Chapman, Treasurer, Independent American Party of Nevada  
Mac Bybee, President and CEO, Nevada Chapter, Associated Builders and Contractors  
Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association  
Terry Graves, representing the Nevada Manufacturers Association  
Glenn Leavitt, Director, Government Affairs, Nevada Contractors Association  
Jake McNeill, representing Laborers' International Union of North America Local 169  
Alexis Motarex, Government Affairs, Nevada Chapter, Associated General Contractors of America  
Joshua Hicks, representing Nevada Home Builders Association; Southern Nevada Home Builders Association; and Builders Association of Northern Nevada  
Brian Wachter, Senior Vice President, Retail Association of Nevada  
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation  
Emily Osterberg, Director, Government Affairs, Henderson Chamber of Commerce  
Gabriela Olmedo, Associate, Advanced Energy United  
Martin Paris, Executive Director, Nevada Cattlemen's Association  
Marcos Lopez, Outreach and Coalitions Director, Nevada Policy Research Institute  
Chaunsey Chau-Duong, Public Affairs, Southern Nevada Water Authority

**Chair Gorelow:**

[Role was taken. Committee rules and protocols were reviewed.] We have two hearings scheduled for today, but we are going to take them out of order. First, we are going to hear Assembly Bill 192.

**Assembly Bill 192: Revises provisions relating to elections. (BDR 24-836)**

**Assemblywoman Cecelia González, Assembly District No. 16:**

I am pleased to have the opportunity to present Assembly Bill 192 to you today. This bill revises requirements for the form of all envelopes and return envelopes for mail ballots and also revises certain requirements for posting electioneering boundary signs at polling sites. With me today to present the bill is Emily Persaud-Zamora, the executive director of Silver State Voices.

Let me start off by providing some background information and a brief walk through of A.B. 192. I will then hand it off to Ms. Persaud-Zamora, and she will provide you with additional information. Since the recent establishment of mail-in ballot elections in Nevada, our local election officials are processing a higher volume of mail-in ballots than ever before. With this increase in mail-in voting, it is important that we continue to ensure that the mail-in ballot voting process runs as smoothly as possible, both for our local election officials and for our voters. It is important to improve upon the process whenever we can.

One issue that has recently come forth is the inconsistency of mail ballot envelopes across the 17 counties. Currently, there is no uniform statewide standard for the format of mail-in ballot envelopes. This includes both the envelopes the ballots are mailed out in and the envelopes they are returned in. Though the Office of the Secretary of State is responsible for prescribing that the form of all ballots, sample ballots, and several other types of election materials are consistent throughout the state, the office is not required to prescribe the format of mail-in ballot envelopes. This duty falls on local election officials. As such, there are many different types of mail-in ballot envelopes throughout the state with varying information and instructions across jurisdictions. Not only does this make it difficult to educate voters throughout the state about the mail-in ballot process, but it also leads to expensive individual envelope orders. Establishing a uniform standard for mail-in ballots would help with our voter education programs and potentially allow the state to save money by ordering in bulk as well.

Additionally, we know that our local election officials carry substantially heavy workloads during election cycles, and they have been facing staffing shortages for quite some time. By shifting the responsibility of formulating mail ballot envelopes away from local election officials, they will have one less thing to worry about during the busy election season.

Another issue that Assembly Bill 192 addresses is unlawful electioneering at polling places. There have been instances of electioneering occurring within the restricted zone at polling places, which is defined in *Nevada Revised Statutes* 293.740, subsection 1, as being "inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located." This bill would add standards for the signs that must be posted at polling places to mark the boundaries where electioneering may not take place. This will reduce the potential for confusion and ensure that electioneering rules are enforced consistently across all polling locations. At this time this is especially important when we talk about the need for people to feel safe at our polling locations. When electioneering signage is clearly visible and adequately sized, we believe that this is part of that larger conversation.

I would like to go through the provisions of the bill section by section. Section 1 and section 4 of A.B. 192 require the Office of the Secretary of State to prescribe the form of all mail-in ballot envelopes, including envelopes that ballots are mailed in and returned so that they are uniform throughout the state. However, there is an exception for color of the return envelopes. Feedback that we received from our election personnel is that a lot of time was spent trying to sort the envelopes because each envelope looked different. A lot of time was

spent to sort out which envelope was from where when they received different envelopes from different counties. Part of the feedback we received was the suggestion that if the ballots were color-coded and uniform, our clerks and registrars would be able to tell where they should go just by being able to look at the ballot. Another suggestion was to require all mail ballot envelopes in each city and county to be printed in a unique color determined by the city or county clerk and approved by the Secretary of State. This will help differentiate return ballot envelopes from other mail, which could ultimately lead to a more effective mail sorting system and reduce the time it takes for the local election officials to receive voted mail ballots.

Section 2, section 3, and section 5 of the bill will set the size and placement standards for signage marking electioneering boundaries placed at polling locations during early voting and Election Day. After conversations with the counties, we will be submitting an amendment for a size that is consistent with all other election signage. We did not catch right away that there are currently not any requirements in existing law as to where these signs may be placed or how large they should be. We learned that oftentimes these signs are not clearly visible from all points of a polling location, making it very unclear exactly where the electioneering boundary is. Assembly Bill 192 would ensure that the electioneering boundary is visible from all vantage points within the no electioneering zone, so that it is clear to all voters, candidates, and poll workers where electioneering may and may not occur. By fostering fair and conflict-free environments at our polling places, we can improve the voting experience for all Nevadans. I will now hand the presentation off to Ms. Persaud-Zamora.

**Emily Persaud-Zamora, Executive Director, Silver State Voices:**

For those who may not be familiar with Silver State Voices, we serve as a 501(c)(3) civic engagement table that works on democracy-related items. Whether it is conducting voter registration campaigns, voter education, or working on election policy, that is what we do. We have 19 organizations working in a variety of different communities who are all our table partners. With A.B. 192, there are three significant things that we will be discussing: mail ballot and return envelope design uniformity, electioneering signage at polling locations, and also talking about the definition of electioneering [page 3, [Exhibit C](#)].

We come to the table with this particular bill because one of the things about our organization is that we run a nonpartisan election protection program. Many of you may be familiar with Silver State Voices, which was created by American Civil Liberties Union of Nevada in 2014. You may be familiar with seeing our members in their black and white t-shirts at polling sites all across the state. In our election protection program the work we do ensures that voters know their voting rights. We answer voters' questions, and we help troubleshoot any problems that they have. We are the Nevada affiliate of the (866) OUR-VOTE hotline, which gets thousands of calls during primary and general elections. To give you a little bit of context, we completed 741 shifts during the 2022 General Election. The PowerPoint shows a breakdown of shifts between the primary and General; also, a breakdown between the early voting shifts and Election Day [page 5, [Exhibit C](#)]. Through this work we are able to see some of the patterns that are happening at

polling locations, what are issues that voters have, and even what are issues that candidates are having. We have even answered questions for elected officials who have called in on our hotline. In 2022 we were able to cover a total of 193 polling locations across the state using volunteers who may be Republicans, Democrats, nonpartisans, or Independent Americans [page 6, [Exhibit C](#)], and all volunteer for our program in a nonpartisan capacity.

Referring to [A.B. 192](#), existing law prohibits any form of electioneering within 100 feet of the entrance of the building or structure where a polling place is located. One form of electioneering is defined as buying, selling, wearing, or displaying any badge, button, or other insignia which is designed or tends to aid or promote the success or defeat of any political party, candidate, or ballot question to be voted upon at that election [page 7, [Exhibit C](#)]. There are actually five different definitions of what electioneering is, but we are only going to be talking about one particular definition, and that is this particular definition, which we will be attempting to change with this particular bill.

First, I would like to specifically address election signage [page 9, [Exhibit C](#)]. In the provisions of [A.B. 192](#), we have requested that electioneering signage needs to be 18 inches by 12 inches. As Assemblywoman González indicated earlier, we have talked to some of the registrars and will be submitting an amendment for this particular aspect of the bill. An important detail is that we are asking for the signs to be placed on a window or door of the polling location. However, a polling location in Clark County may be in a tent, and tents do not have doors or windows. In a location like this or something similar, we are recommending a freestanding aspect. The most important thing to consider is that the signage is visible to a person approaching the boundary marked by the sign. Here are some photos of actual polling locations from 2020 and 2022 [page 9, [Exhibit C](#)]. You will see signs that were not properly visible to the people they were trying to inform [page 10, [Exhibit C](#)]. When you consider that a voter may be visually impaired, visibility of signage becomes even more important.

Considering the aspect of [A.B. 192](#) which will ensure all mail ballot envelopes and return envelopes are the same, when doing statewide voter education or when assisting voters in multiple counties around mail ballots, there can be some confusion when there are discrepancies between mail ballots across different counties. Assemblywoman González very eloquently talked about how even the United States Postal Service, when processing mail ballots, was confused about where certain ballots were supposed to go. They could receive a ballot from Washoe County, but the ballot should actually go to Douglas County. Being able to establish actual uniformity in color would definitely help in this instance, as well as with voter education.

I wanted to provide some visuals for the Committee around envelopes. Here we have photos of the front side of return envelopes from Churchill County, Clark County, and Washoe County [page 12, [Exhibit C](#)]. You can see there are definitely some similarities, but there are some stark differences between the ballots as well. We do not want to give the impression we are trying to direct the decisions of the Office of the Secretary of State or the registrars, but what we would like to suggest is creating uniformity so there is consistency across the

board and no confusion. Here are some samples of the back as well [page 14, [Exhibit C](#)]. You can see that there are some definite key differences as to what type of information is being provided.

I would like to share Silver State Voices' appreciation to Assemblywoman González for listening to us and carrying this piece of legislation. I am also open for any questions that the Committee may have.

**Chair Gorelow:**

Committee members, do you have any questions?

**Assemblywoman Newby:**

In Clark County, when there is early voting located at a private location like a grocery store or a mall, I understand how you could easily enforce electioneering requirements in front of the location as people are approaching and entering it. But what happens with that spatial distance within the facility? For example, if I went back around by the dairy area, could I wear my buttons and my t-shirts there if the machines are up by the front?

**Emily Persaud-Zamora:**

I believe if it is a voting location that has no electioneering, then they are not supposed to be able to wear any type of political material. I do know that we have representatives from the Office of the Secretary of State who would probably be best equipped to answer the question.

**Mark Wlaschin, Deputy Secretary for Elections, Office of the Secretary of State:**

This is a complex issue. If it is a grocery store, for example, and we are telling people they cannot come in with a political shirt on and have to leave, they may have voted earlier. They were not intending to break the rules but are simply grocery shopping. We do not want the location to lose customers because we are enforcing an electioneering law.

Ms. Persaud-Zamora was correct, however. If it is a voting location, we are pretty strict in identifying and enforcing electioneering boundaries. We have to ensure that these rules are enforced so that we are not cited for letting someone violate the statutes.

**Assemblywoman Monroe-Moreno:**

I am not sure who will answer this question regarding having the envelopes in the different colors. Has the Office of the Secretary of State anticipated the cost of this? Will the cost of this be on the counties themselves? Who is taking on that cost?

**Mark Wlaschin:**

The expectation is that the Office of the Secretary of State would be paying for this specifically to ensure that we no longer have 17 different ballot sizes, envelope sizes, and vendors. With the State paying for the roughly 1.9 million ballots, the intent would be for the Secretary of State to pay for that. We are currently in the process of gathering quotes for this project, although I do not have those in front of me.

**Assemblywoman Monroe-Moreno:**

That was my follow up, if you had those anticipated costs, but you have answered this.

**Assemblywoman Miller:**

Relating to that cost, will this be a cost savings to everyone? When items are purchased in bulk, it should save money. Has that been considered?

**Assemblywoman González:**

In our conversations it will save the counties money in costs, taking it from 17 contracts and replacing it with one. However, in the long run, it will cost our state more money.

**Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State:**

I just wanted to add that we have seen that our smaller counties, as we have been going through a paper shortage, have been negatively affected by recent paper shortages. Vendors for some of the smaller counties have said that these smaller contracts were not worth their time. If we had a statewide contract and statewide buying power, obviously that would not happen.

**Chair Gorelow:**

Committee members, are there other questions? My first question is about colors. Are you going to be offering certain colors or just letting the counties decide? What would happen if counties happened to pick the same color?

**Assemblywoman González:**

In our conversations about that, we have left that to the Office of the Secretary of State to decide and administer, so color choices would be up to them.

**Mark Wlaschin:**

There is a limitation based on the colors offered by the vendors. Not every vendor has the ability to produce more than 17 colors. We have identified at least one vendor who can, but there are certainly ongoing concerns about the paper shortage. Something we are looking into is that color might really only be an issue in adjacent counties. Nye County, for example, would just have to have a different color than the counties adjacent to it. This would still make processing and sorting easier, but we might be able to get by with less than 17 different colors. That is a major factor that we are looking into.

**Chair Gorelow:**

My second question pertains to the size of the sign. Have you looked at the font? It says large print, but that is vague. Do we have an idea of what that font is? When you were showing us the pictures, I probably would have walked past all of those. I am curious if 18 inches by 12 inches would be large enough?

**Emily Persaud-Zamora:**

There has not been an exact discussion around the size of the font, and that is not indicated in the bill. We are open if there is something that the registrars would like. In our



conversations so far, they have not indicated this. Regarding the size of the actual sign itself, we had decided on 12 inches by 18 inches because we felt like it was an average size. Our large counties like Washoe and Clark have to be cautious of cost because they have a lot of polling locations. Knowing that costs could add up quickly, in a conversation with the Washoe County Registrar, they have similar signage. We will be submitting an amendment to go down to 11 inches by 17 inches because that will match what they currently have in signage. We think that 11 inches by 17 inches is still more visible than some of the pictures that you saw. One additional point is that it does talk about ensuring it has sturdy material. In many of the photos you saw today, many of the signs were printed on computer paper. It is our belief that having a sturdier type of material will be more reliable and will catch the attention of voters more.

**Chair Gorelow:**

Just clarifying because it does say, At least. So, in your amendment, it will be 11 inches by 17 inches, but they could always go bigger if they wanted?

**Emily Persaud-Zamora:**

That is correct.

**Assemblywoman Monroe-Moreno:**

While putting this bill together, did you have conversations with the clerks and registrars to see how they felt about these changes? I know we have had conversations since we have gone to mail-in ballots that these have been hard to go through and process. How do they feel about having the color so once that envelope comes in in their color, they know it belongs to their county?

**Assemblywoman González:**

This feedback actually came from the counties. In our original bill, we did not mention color coding. This was feedback in talking to Washoe and Clark Counties.

**Mark Wlaschin:**

In December we had a clerks' conference at which the clerks, registrars, and many of their staff members came together and we discussed the previous election cycle. We talked about the paper shortage and the one county that actually had their paper contract cancelled before their primary was able to explain that to everybody. They heard how the clerk spoke about having to jump through hoops, scrambling to find enough paper to make their mail-in ballots and hearing later the potential for other counties. A month or two ago another county actually had their vendor cancel outright. They just said, We are done working with you, it is no longer profitable for our company. Those two situations really drove home the importance of the power of a statewide contract, which has continued to resonate with the clerks and registrars going forward.

**Assemblywoman Monroe-Moreno:**

It seems like this bill will touch on a number of different issues that it will solve—any time we can make voting more accessible and easier for the people actually doing the work of counting those ballots; for those going out to polling sites, having the same sign no matter what county you are in to be easily recognizable. This bill just seems to solve a number of problems.

**Chair Gorelow:**

Committee members, are there any more questions? Seeing none, we will now hear testimony in support of A.B. 192.

**Gabriel Di Chiara:**

I am here testifying in support of this bill on behalf of Secretary of State Francisco Aguilar. As you heard during the presentation and as you laid out, Assemblywoman Monroe-Moreno, we believe that this bill would solve a number of problems for our counties, especially our smaller counties. By statute, the state currently reimburses counties for ballot stock, so a number of these costs are taken on by the state. We feel it would be best if we went the extra mile and were able to take on the bulk of that contract. The other thing is other bills currently before this body would allow for broader language access. Having one statewide ballot and one statewide system along with state translation services would allow potentially greater language access for voters statewide. Although there may not be many voters in Eureka County who speak Tagalog, if there were and they called the statewide hotline, they would be able to have their questions answered based on a uniform ballot. Again, we are in support of this bill.

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

I am here in support of Assembly Bill 192. As someone from Oregon, I have loved vote by mail and made it my personal goal to educate and excite folks about the procedure. This proved difficult once we realized that mail ballot envelopes and what was included in them differed greatly, particularly between the two most populous counties in our state.

This last election, Clark County voters received a sheet with general information and tips for completing their mail ballot in addition to a pamphlet showing drop-off locations, a ballot, a large folding secrecy sleeve, an "I Voted" sticker, and a return envelope which they signed on the back after sealing at the bottom. However, Washoe County voters received an instruction sheet in English and Spanish, a ballot secrecy sleeve to slide the ballot into, and a return envelope where the signature is underneath the envelope flap and needs to be signed prior to sealing the envelope.

Having a uniform mail ballot envelope will simplify the process for voters statewide and will make education and outreach easier, especially when ensuring that the mail ballots are signed and able to be easily verified. We are in support of this bill

**Jennifer Willett, Nevada Grassroots Manager, All Voting is Local:**

All Voting is Local is also a member of the Let Nevadans Vote Coalition. We are here in support of A.B. 192. We believe that voting should be convenient and accessible to all voters. Standardizing mail ballots across counties will reduce confusion for voters, and making mail ballot envelopes a unique color will help ensure voters, mail carriers, and election workers are better able to identify these forms. Additionally, by ensuring there is proper signage for electioneering, poll workers can solely focus their energy on assisting voters to participate in our democracy.

**Annette Magnus, Executive Director, Battle Born Progress**

We are here in strong support of A.B. 192 because every single eligible voter should be able to cast their ballot in a manner that is most accessible for them. Mail-in ballots were vastly used statewide by all parties and nonpartisan voters here in our state. In fact, during the 2020 Boulder City municipal election, 57 percent of the voter turnout cast their ballot by mail. This system of uniformity would create a more well-rounded voting system for those that choose to cast their ballots this way.

We have also seen firsthand the need for clear signage at polling locations while doing voter protection services. I personally have seen sticky notes on trees at sites we have worked at, and that is just not acceptable. We need clear signage. We see that this system is fairly new to the state, and with it being so new, we need to allow the system to grow and flourish and make the changes necessary for it to be better. We urge you to support this commonsense bill.

**Briana Escamilla, Director, Regional Organizing, Planned Parenthood of the Rocky Mountains:**

I am here on behalf of Planned Parenthood Votes Nevada, and we are here in support of A.B. 192. This legislation will bring additional uniformity and transparency to our electoral process, allowing for more fair elections, which is something we should always be striving for. We are proud to support legislation that will bring additional transparency to our elections, and we thank Assemblywoman González for introducing this bill.

**Eric Jeng, Acting Executive Director, One APIA Nevada:**

I am here for support of this bill. We serve Asian Pacific Americans here in Nevada. One APIA is often tasked by county registrars to reach out to small businesses in order to put out early vote and polling locations. Many times, these business owners' first concern is how do they make sure that they have clear signage and display clear marking for electioneering, while making sure that they are protecting their business's reputation while opening up their business locations to elections. We are very excited to be able to introduce them to county registrars and election officials making sure that their signage is standardized and consistent. It is a protection not only for our community or for election workers, but also for our businesses. We are very thankful to Assemblywoman González for presenting this bill and urge your support for this.

**Tony Ramirez, Government Affairs Manager, Make the Road Nevada:**

We focus on elevating the power of working-class, immigrant communities in every community in Nevada. I am here on behalf of our membership in support of A.B. 192 and echo the testimony in support.

**Chair Gorelow:**

We will now go to Las Vegas to hear testimony in support of A.B. 192. Seeing no one, we will now ask for callers in support of A.B. 192.

**Aria Flores, representing Chispa Nevada:**

We are in support of A.B. 192. It is essential that the proper signage is readable and at least 18 inches by 12 inches in size. This will ensure that anyone can clearly understand the electioneering regulation. In 2022 I was volunteering at a Centennial Hills polling location, and it took several hours to even notice the electioneering sign because it was not noticeable on the tree that it had been taped on. I had to stand five feet from the print, and it seemed no larger than a 12-point font. By properly displaying large, legible, consistently recognizable electioneering signs, we can help ensure that everyone is aware of where the boundaries are. I encourage you to support A.B. 192.

**Taylor Patterson, Executive Director, Native Voters Alliance Nevada:**

I am also a member of the Bishop Paiute Tribe and the Let Nevadans Vote Coalition, my favorite coalition to work in because we strive to ensure that voting is easy, safe, and accessible for our community and all communities. This bill will ensure that Nevadans can expect uniformity with their mail ballot envelopes. This uniformity will make Nevadans more comfortable and confident with their mail ballots. Assembly Bill 192 does not just make folks comfortable with their mail-in ballots, but at the voting booth as well. Requiring visible electioneering signage gives everyone a clear understanding of their rights to cast their ballots and where they can push for their candidate of choice. We urge the Committee to support this bill.

**Sadmira Ramic, Voting Rights Attorney, American Civil Liberties Union of Nevada:**

I would like to thank Assemblywoman González for sponsoring this bill and Ms. Persaud-Zamora for her presentation. Both did a great job of not only highlighting the content of the bill but of highlighting its importance. As mentioned, the American Civil Liberties Union of Nevada (ACLU) works with Silver State Voices every election cycle through their election protection program. We also have our Border Protection Alliance Program, which involves legal volunteers who work during the election cycle in the same capacity. The issues that have been highlighted by Ms. Persaud-Zamora are ones we have seen time and time again. This bill will resolve these issues and will contribute to making our election process fair and transparent. It will also ensure that individuals are not excluded from the democratic process. For those reasons, ACLU of Nevada is in support of A.B. 192.

**Prince Cunanan Saruhan, Private Citizen, Reno, Nevada:**

I am here to support A.B. 192. I am also a member of the Progressive Leadership Alliance of Nevada and Faith in Action Nevada. I wanted to make a comment about the Tagalog language being brought up. Hearing my language being brought up makes my Filipino heart flutter. Ditto to everyone in support.

**Chair Gorelow:**

With no other callers in support, we will now open up testimony here in Carson City for opposition on Assembly Bill 192.

**Betsy Strasburg, Private Citizen, Carson City, Nevada:**

I was not planning to say anything, but being a poll worker for subsequent elections in Carson City, I felt that I could share my experience. We had no problems in Carson City and measuring 100 feet from the front of the community center to the parking lot. In fact, there was a big red circle on the parking lot with red paint that said, "Do not electioneer beyond this sign." Our signage was three-quarters the size of that TV screen. It was not a Post-it on a tree or anything. I am actually shocked to hear that somebody would make that decision. If anybody wants to get a lesson from Carson City, I am sure the clerk recorder and their staff would be happy to accommodate them. We should do a state contract to get any advantages of any discounts from the top providers in this state. I think that this body understands that we want limited government in these days of hyper election. I am a little surprised that we are supporting additional costs for the state. We want polling locations that are supported and managed by the clerk recorder and their staff, and they know what the *Nevada Revised Statutes* say and they know how to implement it correctly. I oppose this particular bill.

**Richard Nagel, Private Citizen, Carson City, Nevada:**

I was a poll worker as well. One of the good things was that the ballots were of different colors for different counties. When people came in to use the drop box in Carson City, we said that we would have to put their ballot in the mail. We explained that mailing the ballot may take an extra day and may impede their vote getting counted. We urged people to go back to their county, whether it was Washoe County or Douglas County. A lot of people came into Carson City from different counties. What we would tell them is that they had a day left, so go back and drop it off in their own county. We had the area completely marked off. I was a parking lot attendant, and I got to tell people to pick their stuff up and move. One of the things was people had bumper stickers for someone like Dukakis. This regulation said they should not be within 100 feet, but Dukakis was not on the ballot. That should not matter, and I should not have to tell an 80-year-old lady to move her car because she has an old Dukakis sticker on it. We have to temper this with a little bit of reality, such as old bumper stickers from past elections. He is a Democrat, but it is all about fairness. I feel we cannot tell these people to move just because they have political information for somebody from a past election who is not on the ballot. If it was somebody like a candidate that was running in that election, we would have to have them move that car behind the 100-foot line or past it. We need to temper this stuff with some civility for our people. That is why I am in opposition to A.B. 192. I am concerned about whether we are going to be civil about this so that we can create an atmosphere where people want to come in and vote or a hostile one.

**Heather Koche, Private Citizen, Carson City, Nevada:**

I agree with the two people that just spoke. I worked the elections in Carson City, and it was so organized and done so well. I would hate to see anything interfere with that. You have county clerks that know what their counties need, and that is why I oppose A.B. 192.

**Chair Gorelow:**

Is anyone else in Carson City testifying in opposition to A.B. 192? Seeing no one, we will move to Las Vegas. Seeing no one in Las Vegas coming forward to testify in opposition, we will move to the phone lines. Are callers ready to testify in opposition to A.B. 192?

**Jim DeGraffenreid, National Committeeman, Nevada Republican Party:**

Speaking on behalf of the Republican Party, I hesitated over whether I should be in opposition or neutral on this bill. We do not really have any problems with the housekeeping items in the bill. What we did notice is that it fails to include a provision banning private entities from restricting free speech if they choose to host a polling place. Unfortunately, in the 2022 election, the Clark County Election Department chose to contract with a number of businesses to ban political campaigning on their properties. That is certainly the prerogative any other time of the year, but during early voting on Election Day periods, it would be an illegal repression of the First Amendment. In addition, what would make this bill better is a requirement that any polling location obligate the hosting space, as part of the agreement, that all free speech activity outside the 100 foot prohibition on electioneering be guaranteed throughout all days when voting is taking place. The First Amendment and the right to engage in protected political speech is the bedrock of our society. Please ensure that is delineated and protected.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I would like to say ditto in opposition, along with the previous testifiers.

[[Exhibit D](#) was submitted but not discussed and will become part of the record.]

**Chair Gorelow:**

Since there are no more callers in opposition to A.B. 192, I will call on anyone in Carson City or Las Vegas who would to testify in neutral for A.B. 192. [There was no one.] Are there any callers ready to testify in neutral for A.B. 192? [There were none.]

I would like to ask Assemblywoman González for closing comments.

**Assemblywoman González:**

I just want to express my sincere thanks for hearing this bill. Thank you, too, to all our poll workers and election workers who will be impacted by Assembly Bill 192.

**Chair Gorelow:**

With that, I will close the hearing on A.B. 192 and open the hearing on Assembly Joint Resolution 3.

**Assembly Joint Resolution 3: Proposes to amend the Nevada Constitution to establish certain rights relating to the environment. (BDR C-156)**

**Assemblywoman Sarah Peters, Assembly District No. 24:**

I am proud to be presenting to you Assembly Joint Resolution 3, also known as the "green amendment." I want to take you back for a minute. The first time I ever thought about an environmental law, I was about five years old, riding in the back of my mom's soft-top jeep. I had just picked up a cup of water at the meeting we were at. As a single mom, she took us along with her. It was a Styrofoam cup, and at five it was huge in my hands. I had just started reading and was looking at the road signs. One of the signs I had read was about a littering fine. My mom had to explain to me what littering was. In the back of my mom's car with the Styrofoam cup and the wind blowing through it, that cup left my hand and went out the window. I thought, Oh my God, I just littered. They are going to fine me. I do not have a thousand dollars or whatever it was that was on the sign. They are going to fine my mom. My mom was a single mom. She did not have a thousand dollars, and if you do not pay the fine, they put you in prison. My mom is going to go to prison. My mom had to talk me down from a panic attack. It still gives me chills because this was one of the first panic attacks that I experienced in my life. She had the unfortunate job of telling me that is not what the law was for. The law was likely not going to come after me. They did not care about a Styrofoam cup. Littering was really for other people who made more egregious moves, but generally it was not something that was upheld.

I thought about that cup for a very long time. I had nightmares thinking about it sitting in the desert, not degrading, just sitting there. I would wake up thinking about how no one seemed to care about it. They did not care enough to come after me. It sounds tragic, but as I grew older, I began to learn about worse. I remember learning about the failures of recycling; how landfills also fail; how leaking tailing ponds and storage tanks were polluting the groundwater in my state; how failed septic systems were polluting the drinking water of my neighbors. I learned that concentrations of contaminants in terminus lakes and drinking water was increasing. My friends were suffering from asthma induced by urban pollutants. There was a hole in the ozone layer. Mercury is in all of the fish, pesticides are in all of our food, and there are even microplastics in placentas.

Many environmental health policies have been driven by communities and labor groups. We do not do this because it is in the best interest of the industry. We do it because it matters to our communities and because our children have to live in this world too.

The amendment [[Exhibit E](#)] presented by A.J.R. 3 to you today enshrines in the *Nevada Constitution* the obligation of our state to ensure decisions being made that impact state natural and cultural resources are thoughtful and transparent, that we vet impacts to our resources, considering the people who may be impacted today and in the future. Federal law is designed to protect cultural and natural resources, and the state is often the designated authority for undertaking those responsibilities. Sometimes, the state has authority to argue for enhanced standards and more protective decisions. However, in Nevada, these decisions often end up in court and in some cases, get completely unwound. This amendment creates

the public trust obligation for our state to ensure we are able to make decisions in the best interest of our citizens. This amendment enshrines the right of citizens to expect and hold accountable state decision-makers to consider impacts to the state natural and cultural resources. This amendment enshrines the people's right to natural and cultural resources and the expectation that decisions made by the state have a process for meeting that expectation.

Natural resource case law is changing at a rapid pace. Courts are already responsible for many decisions regarding standards of trustee obligations to public lands and resources. Nevada has changed the way we steward natural resources within our limited jurisdiction; in some cases, completely missing directive or authority. We see competing political interests impacting state decisions all the time, whether it was the deferral process at the Anaconda Copper Mine in Yerington or the expedited environmental impact statement for Lithium Nevada. This type of influence can result in damage to our state, both environmentally and economically.

What Assembly Joint Resolution 3, the green amendment, would do is offer a state public trust obligation to ensure those decisions are in the best interest of the state and our resources. The language allows for the weighing of projects in order to determine what is in the best interest of our state. The amendment also creates a backstop to support standards and decisions that the state and other jurisdictional authorities establish, even when they are enhanced from the federal standards. In addition, the amendment creates a path for recourse if decisions are made politically without, or purposefully ignoring, public and community input. It also creates a pathway for industry to argue for a standard of operation which can create greater, even, and innovative competition. I have with me today Maya van Rossum, who has been advocating for this issue for several years. She is who I learned about the green amendment from in 2019. She has a couple of things she would like to say before we take questions.

**Maya van Rossum, Founder, Green Amendments For the Generations:**

I am truly honored to be here today, and I thank you for the opportunity to share with you some information about how green amendments are helpful to the states that have them and will be similarly helpful to Nevada. The proposed green amendment will be a positive contribution to environmental protection in Nevada, just as it has been in the three states that already have amendments of this kind, which are Pennsylvania, Montana, and New York. In these three states, the amendments are being used by government officials to support better decisions that enhance environmental protection. The amendments have been relied upon by the governors' offices, by attorneys general, by local government officials, and by regulatory agencies to support needed environmental protection action.

In the first instance, a green amendment can be called upon when additional strength is needed in addition to the laws that are already on the books. It can be used to properly strengthen and enforce those laws. Please note that in only a relatively few situations in the three states with similar amendments is their litigation relying on the amendment. The



number of cases that make it into the courts for judicial intervention on average based on green amendment arguments is less than ten a year. While there are some administrative challenges that are also brought forth, they get handled at that early stage.

In these cases, it is not always about private individuals or organizations challenging government action. Actually, in a number of the cases, the amendment has been raised by government officials themselves in support of their legal authority and the actions that they have taken. I want to assure you that no cases have been dismissed as frivolous based on the constitutional claim. Just for clarification, as with other fundamental rights along with Article 1 of the *Constitution*, the focus of the amendment is government action. It is not going to support legal action solely between private individuals. That is not the purpose, the intent, nor the way the amendment is written. All the legal cases that have been brought bringing forth the green amendment challenge are about serious issues of community concern that seek to protect water, air, land, soils, and human health from significant levels of harm.

We know that environmental pollution is costly. For example, in just one year in Nevada, it is reported that ozone pollution led to 97 premature deaths, 114 hospital admissions, and cost \$898 million in health costs. The Nevada green amendment can help the state and its residents avoid the tremendous economic costs, the loss of property value, the health care costs, the cost for emergency response efforts, and the quality-of-life costs that significant levels of environmental pollution and degradation cause. Green amendments in the states that have them have helped to also protect business operations and jobs that depend on healthy environments. For those businesses dependent on clean water, healthy workers, and healthy environments, the green amendment ensures their business operations, jobs, and profits are protected. When it comes to businesses and jobs, green amendments simply ensure that economic development cannot take place at the expense of our environmental and community health.

There is also nothing unique legally about how this amendment will operate. All of the same rules of constitutional and legal interpretation will apply to the environmental protections in the green amendment as apply to all the other constitutional Declaration of Rights protections in the *Nevada Constitution*. I hope that you will recognize the proposed Nevada green amendment for what it is. It is helping to support good government action to protect the people of the state and the natural resources they depend upon for supporting every aspect of their healthy lives. It has truly been an honor to be called forth by Assemblywoman Peters, who is putting forth this really critical protection for the state.

**Chair Gorelow:**

Committee members, do you have any questions?

**Assemblywoman Dickman:**

On page 2, line 18, it says, "The State shall take no action that would cause unreasonable degradation . . . ." What are some examples of this? Would it or could it include things like road construction?

**Assemblywoman Peters:**

We have submitted an amendment that strikes out page 2, lines 18 through 21 [page 2, [Exhibit E](#)]. I should have mentioned that when I began.

**Assemblywoman Dickman:**

I thought I heard something about an amendment to the bill, but I did not see one. With the large amount of land currently held by the federal government in Nevada, how would those lands be adjudicated under this bill?

**Assemblywoman Peters:**

I am hoping that Ms. van Rossum can answer this question for us.

**Maya van Rossum:**

The constitutional amendment will apply to state action. To the extent that we are talking about state action or activities that implicate federal lands, then the amendment may come into play. When we are talking about federal government action with regard to federal government lands or any lands at all, the amendment would not apply. It only applies to the state.

**Assemblywoman Monroe-Moreno:**

In the testimony, you said that it is already taking place in three other states. Other than the things you listed in the testimony, have there been any negative impacts in those states once this legislation was passed?

**Maya van Rossum:**

There are not any negative implications that I am aware of when the state government has relied upon the amendment in order to advance protective decision-making. For example, in the Commonwealth of Pennsylvania, they relied upon their green amendment; the governor recently did so in order to put forth drinking water protections from PFAS [per- and polyfluoroalkyl substances]. These are positive developments when the attorneys general have relied upon the amendment to enforce existing legislation. It offers strength to critical environmental protections in those states. When there have been legal challenges that have been brought forth and those challenges have involved legislation, regulation, permitting, or failure to enforce existing laws, the legal outcomes have always been positive. There has either been an identification that the behavior that the state has undertaken, or local government officials have undertaken, is in violation of the constitution, at which point that government entity is given the opportunity to remedy the infirmity. The court does not put itself in place of the government officials. It might say the permit that has been issued for this devastating industrial operation is inappropriate and violates the constitution for specified reasons. The decision goes back to the regulatory agency to either accept that determination or to amend the permit with the essential protections necessary to ensure that the operation can advance in a way that will fulfill the constitutional obligation and rights at the same time. That is a positive development. On the other hand, the courts may make the determination that the government action is fully defensible because the government undertook the proper, full, and fair analysis of the environmental ramifications of a proposed

action as well as their constitutional obligation to protect the environmental rights of the people of the state and the natural resources of the state. In this case, the government decision is upheld. These are all positive developments. There is nothing negative that I can think of.

**Assemblywoman Monroe-Moreno:**

We have seen in news reports in different states around the country where there is brown drinking water coming out of taps and where families cannot bathe their children because of decisions made by state entities or local municipalities that did not consider the health and welfare of their constituency. If passed, would this legislation help the state of Nevada or local municipalities with future decisions they may make about healthy water or air so that maybe they think twice before signing a contract? Would this help us in future decision-making along those lines?

**Maya van Rossum:**

One of the incredible values of having this green amendment is going to be that it will be there when government officials need it. When the laws that are on the books, either as written, as interpreted, or as applied, are not enough to protect the quality of the water, air, or ecosystems that are so essential to supporting the healthy lives of Nevadans, government officials are going to be able to turn to the *Nevada Constitution*. It will delineate their obligation to protect the rights of the people to clean and healthy water, air, and environments, and their trustee obligation to protect the natural resources for present and future generations. That will become the foundation to strengthen that good government action when the laws, as written or as applied, fail to cover a situation of critical concern environmentally.

A good example of that can be found with PFAS in the Commonwealth of Pennsylvania. Where there was not existing legislation mandating the passage of PFAS protections for natural ecosystems and drinking water, the Governor of Pennsylvania was able to look to his constitutional obligation to protect the rights of Pennsylvanians to pure water. The language in their green amendment became a critical foundation for the various decisions he put in place that have resulted just this past year in critical drinking water protections for communities that were drinking some of the highest levels or have been drinking some of the highest levels of PFAS contamination in the nation. It was really critical to be able to turn to the *Constitution*. I view it as an obligation on government to do right by the environment, but for good government officials, it is also an opportunity to really support that good government action that you see a need for.

**Assemblywoman Peters:**

We see this in Nevada. The City of Yerington has been dealing with issues on contamination at the end of the line water that have yet to be resolved. The state knows about this. They have an obligation under the Safe Drinking Water Act, but no action has been taken.

**Assemblyman DeLong:**

I am still not sure how this proposed constitutional amendment is going to be consistent with the Commerce Clause, or with Article 4, Section 3 of the *United States Constitution*, which gives the federal government the authority to regulate the lands they control within this country. In reading this amendment, you talked about it being a process. I do not see a process in here. I see a policy of the state. The state of Nevada has primarily implemented through the Division of Environmental Protection (NDEP) regulatory processes for ensuring clean air and water. If people think that that is not happening well enough, they need to work with their legislators to strengthen those regulatory controls on the industries that NDEP regulates. What I see here is a very broad standard that will allow for litigation on any decision NDEP makes. I do not see how that is going to be good for the state to have NDEP constantly in litigation.

**Assemblywoman Peters:**

Assembly Joint Resolution 3 would act as a backstop for process at the state level. The current regulatory processes taking place by NDEP are almost exclusively reliant on the federal standards and the obligation for us against the federal standards or to the federal standards. They are in litigation in a lot of cases, but it is the federal trust obligation that is being litigated, not necessarily the state process. It has happened to the state process; we see it within the Division of Water Resources. Every time they try to make a move to do something better with water that is in the best interest of the state, it is litigated. We have not made any moves in water law, in part, because of that. This would assist in the state being able to make decisions in the best interest of the state by being able to rely on their obligation to the *Nevada Constitution* to make those decisions. I actually think it would save the state money in those litigations, and also in the ultimate cleanup of poorly handled projects

**Maya van Rossum:**

I can offer a few additional helpful thoughts. When it comes to the federal government, preemption will still apply. If federal authority preempts state authority—we are talking about actions on federal lands—that balance of power is not disturbed by this amendment. Again, this amendment will only apply when state government is undertaking appropriate actions through its own legal authority. Those actions will have to be guided by this constitutional obligation to protect the people of Nevada's right to a clean and healthy environment as well as to protect the natural resources of the state.

You are correct to say that this is a broad policy statement. This amendment provides broad guidance to help ensure that whenever state government officials are taking action in legislating, regulating, or permitting, they are mindful of and undertaking that work in a way that will protect the environmental rights of the people and their trustee obligations with regards to the natural resources.

Because of the bill of right's placement and the obligation to protect the environmental rights of the people, and because of the trustee language with regards to natural resources—which brings to bear standard principles of trust law, like the fiduciary obligation of prudence, for example—that bill of right's placement plus that existing trust law make very clear the duty

to undertake thoughtful, informed decision-making that considers facts, impact, science, and cumulative impacts over space and time. The generational obligation helps inform the timeline of decision-making when thinking about those impacts. There are a lot of elements and legal principles embedded in the very carefully crafted placement and terminology. That actually helps put in place the substantive obligations as well as the procedural steps that can help ensure government officials demonstrate that they have met their substantive obligation. Even if there is a legal challenge where people disagree with the outcome, if the government officials fulfilled their procedural duty and considered the environmental rights, they will be able to defend their action or activity.

[[Exhibit F](#) is a packet of reference materials submitted but not referred to during the Committee meeting.]

**Chair Gorelow:**

Does the Committee have any other questions? Seeing none, we will start with testimony in support of [Assembly Joint Resolution 3](#) in Carson City.

**John Solomon, Private Citizen, Fallon, Nevada:**

I am a member of Faith in Action, and all my testimony reflects that faith. [Assembly Joint Resolution 3](#) is first about the principles stated in the Declaration of Independence. We cannot pursue life, liberty, and the pursuit of happiness without clean air and water. These rights are fundamental to all life on this planet, including human beings. If we are sick from dirty air and water, we are denied the liberty to pursue our lives as healthy people can. If we are sick, we are not happy. Dirty air and dirty water deny us life, liberty, and the pursuit of happiness. It is that simple. The arguments against this are that it will cost money. They all assume that the right to make money is somehow more important than the pursuit of citizens to life, liberty, and the pursuit of happiness. This argument is not only fallacious and absurd, but it would also doom us to a dystopian future that is worse for human life than the present. Please do what is needed to pass [A.J.R. 3](#).

**Kyle Roerink, Executive Director, Great Basin Water Network:**

I am here today in support of [A.J.R. 3](#), and I want to quell some of the concerns you may hear. I think there is going to be a lot of hyperbole, with the opposition saying this amendment is going to kill every project that ever comes down the pike ever again. One of the reasons I say that is that we are talking about public trust doctrine principles really being codified. Some of these have already been recognized by the Nevada Supreme Court. They are reflected in statute already. I do not think that implying this is some new thing would be the most accurate take. I think removing lines 18 through 21 from page 2 of the bill gives us a good starting place to have good conversations moving forward about this issue. What is the common property of the people?

**Cynthia Moore, Coalition Coordinator, Nevada Environmental Justice Coalition:**

The Nevada Environmental Justice Coalition (NEJC) is a coalition formed of 14 Nevada-based organizations united in the fight for intersectional climate action and environmental justice. Through grassroots organizing and policy advocacy, NEJC is working to prioritize

justice and the fight to protect our state's natural resources through a social and racial equity lens to ensure a just transition away from extractive industries and liberate frontline communities from environmental hardships. We are here in support of A.J.R. 3. In Nevada not everyone experiences the same environmental inequalities. Some communities in Nevada face water contamination issues, while others face air pollution. According to the Environmental Protection Agency, the state of Nevada ranks as the second-highest most polluted state in the country. As a mother of a five-year-old with respiratory issues, my son does not have access to clean air in our neighborhood in east Las Vegas. This is the same neighborhood where I grew up. When I was growing up, my parents did not have to worry about whether or not I was breathing clean air. My son's childhood is completely different than mine was. Kids like my son and all of those around the state should have access to clean air regardless of where they reside. Assembly Joint Resolution 3 will place in the *Nevada Constitution's* Declaration of Rights that all people, regardless of race, ethnicity, wealth, gender, or where in Nevada they live, have the right for clean air and water. I urge you to support A.J.R. 3. Please let this go for a vote and let all Nevadans decide.

**Laekyn Kelley, Private Citizen, Las Vegas, Nevada:**

I grew up in Nevada and am a graduate student at the University of Nevada, Las Vegas, where I have studied environmental science and communication. I am pleasantly in support of the amendment proposed by A.J.R. 3. It would begin the process of establishing a constitutional right to clean land, water, and air in our state. What I really want to emphasize with my testimony today is the common ground that this kind of constitutional right should have. I think the freedom to access healthy air and water should be as fundamental as the right to free speech. I want these things long into the future of my lifetime in Nevada. I cannot imagine why any person or corporation would disagree with this fundamental principle. There could be a time in the near future where this right is challenged. I would love to see this provide legal avenues for protection. Finally, I want to add that I hope we can address water quantity here as well as quality.

**Teresa Melendez, Private Citizen, Reno, Nevada:**

I am an enrolled citizen of the Pokagon Band of Potawatomi band from southwest Michigan but have called Nevada my home for the last ten years. My husband is an enrolled citizen of the Reno-Sparks Indian Colony and so are my children. I am here in testimony and support of this bill. As Assemblywoman Monroe-Moreno mentioned, there are some communities that do not have access to clean water. That is the situation for a lot of tribal communities here in the state. A lot of folks are not familiar with the plight of the tribes. Luckily, there has been more representation for the tribes during this legislative session, so we could share that information. I would say probably half of the tribes cannot drink the water in our communities. That is usually the result of contamination from the mining industry. There are a lot of public lands around reservation communities.

As a reminder, the state is Indigenous stolen land. Our people did not choose to live in these rural areas of the state. Their homelands were taken, and they were put in those areas. Then industry built up around these communities. It is not the fault of our community that we cannot drink the water and that there are cancer clusters in almost every single one of our

reservations. The law as it is does not protect our people. We know that Indigenous people are disproportionately disadvantaged when it comes to environmental contamination. The rights of my relatives and my children should not be discounted because we live in rural areas where the government put us. Those are now our traditional homes. We are going to hear this legislative session about a cancer cluster in the Duck Valley Indian Reservation because of contamination by mining, by military missile storage, and nuclear waste facilities. In Yerington and on the Fort McDermitt Indian Reservation, contamination is caused by mining. The Pyramid Lake Reservation has water issues. What I would like to say is that the legislation, as is, has not been working for a lot of people and that more needs to be done to make sure that everybody has access to clean water, air, and soil.

**Olivia Tanager, Environmental Justice Program Manager, Progressive Leadership Alliance of Nevada:**

As a manager for the Progressive Leadership Alliance of Nevada (PLAN) and as a member of the NEJC, I believe that every Nevadan should have the right to clean air, water, and a healthy environment, regardless of their race, gender, income, or where in the state they live. Practices that some of you might be familiar with, such as redlining, expanding highways over vulnerable communities, and mining, have often left Black, Brown, Indigenous, and working-class families most vulnerable to health-related impacts caused by environmental racism. These disparities can lead to low quality of life, health issues, and even death in some cases.

Assembly Joint Resolution 3 would give all Nevadans the same fundamental right to clean air, water, and healthy environments so we can all thrive in dignity. By guaranteeing a constitutional right for Nevadans, we are taking a historic step forward and beginning to address environmental racism. No one industry or project should be permitted to sacrifice or minimize the rights of a community in order to protect the profit over the well-being of local community members, or of their own workforce.

In other places with the same protection as you heard today, this green amendment has served as an accountability measure to make sure communities have a fighting chance against large corporations who egregiously pollute their environment. This amendment in other states has not led to any infringement on the rights of small businesses or on the individual level. It has only led to protection for communities lodging scientifically backed claims against large scale industrial projects that would create severe environmental harm to communities.

Assembly Joint Resolution 3 is a conversation that boils down to our values as a state that will be put before voters. We often state our love and values for our wide-open spaces, including scenic lakes and rivers, our beautiful sunsets, and dark skies uninhibited by pollutants. People and their environmental health are important pieces of achieving a just and equitable Nevada. By adding these protections to our *Nevada Constitution*, we can

guarantee that the things that we love about Nevada are always true for Nevada's future generations. We urge your support for A.J.R. 3 to safeguard the basic things we need to survive, including water, air, and a clean and safe environment for all. Let the people vote on this important issue.

**John Hadder, Director, Great Basin Resource Watch:**

We are also members of the Nevada Environmental Justice Coalition. Our organization supports the rights for a healthy, clean, environment and for all peoples and communities to have that determination to protect their health and their clean environment. Assembly Joint Resolution 3 aligns with our need to address the restoration and protection of our planet's ecosystems that sustain us in life and moderate our climate. If certain actions are stopped or slowed by A.J.R. 3, then those actions must be polluting or damaging to the environment in the communities that we are trying to protect. Our energy transition needs to be socially just and environmentally sound. Assembly Joint Resolution 3 provides for this. Opposition to A.J.R. 3, based on slowing the energy transition, exposes profits over people and the planet. [Additional testimony was submitted [Exhibit G](#).]

**Briana Escamilla, Director, Regional Organizing, Planned Parenthood of the Rocky Mountains:**

I am here in support of A.J.R. 3 because we believe that access to a clean and healthy environment is a vital human right. Environmental justice and reproductive justice are inextricably linked. It is well reported that pollution and climate hazards make pregnancy and fetal development riskier and increase the risk of health issues in children. As we know, marginalized communities are more likely to have exposure to both. Just as every person should have the ability to determine if, when, and how they start a family, they should also have the ability to raise that family in an environment that is not plagued by pollution, extreme weather, and increasingly frequent climate disasters. An environment with a stable climate and clean air and water is vital, not just to the health of pregnant people and children, but to the health of entire communities. We are proud to support this resolution, and we are hopeful for a clean and healthy future for all Nevadans

**Tony Ramirez, Government Affairs Manager, Make the Road Nevada:**

I am here on behalf of our membership in support of A.J.R. 3. We live in one of the most polluted states in the country. Our membership is made up of everyday Nevadans. Immigrant communities are most susceptible to pollution. Opposition to A.J.R. 3 is opposition to everyday Nevadans.

**Chair Gorelow:**

Is there anyone else here in Carson City who would like to testify in support of Assembly Joint Resolution 3? Seeing no one, we will go to Las Vegas.

**Nick Christenson, representing Toiyabe Chapter, Sierra Club:**

On behalf of the Sierra Club and our more than 30,000 members and supporters statewide, I am speaking today in support of A.J.R. 3. Fundamentally, we support A.J.R. 3 because it properly places environmental rights as part of Article 1 of the *Nevada Constitution*.



We absolutely believe that the right to a healthy environment should be given proper recognition as an inalienable human right. There can be no argument against all Nevadans having the right to breathe clean air, drink clean water, and live in neighborhoods free of dangerous contamination. We are gratified that this amendment states that this is explicitly self-executing. By self-executing, we mean that the guarantees it confers are intrinsic to the amendment itself and that the right requires no entity or external provision to act on behalf of the right holder. We believe it is crucial that this resolution not be amended in such a way as to water down the rights that are conveyed. We must ensure that the rights provided here will be equal in weight to all the other fundamental rights enshrined in our *Nevada Constitution*.

In Pennsylvania and Montana, the two states that have established track records of strong self-executing green amendments, we have seen these rights used to protect communities. The legislation serves to safeguard the health of workers, business owners, homeowners, and schoolchildren from losing access to their drinking water supply; from being forced to suffer unhealthy levels of air pollution; and by requiring polluters to clean up toxic spills. These green amendments have not adversely affected the economies of the states where they have been implemented and have protected their communities from the crippling costs of future remediation. We believe that adopting this amendment will help promote a culture of sustainability throughout the state and will foster principles of regeneration which will help rejuvenate our environment in urban, rural, and wilderness areas alike. We at the Sierra Club fully support A.J.R. 3, and we implore the members of this Committee to pass this resolution in such a way as to provide maximum protection for the people in Nevada. [Additional testimony was submitted [Exhibit H](#).]

**Sarah Wochele, Private Citizen, Las Vegas, Nevada:**

I was born and raised in Pennsylvania, which is one of only three states to have a green amendment. The green amendment was written into Pennsylvania's constitution in 1971. I wonder how things could have changed for my family if their right to a clean and healthy environment had been recognized and protected sooner. I am the great-granddaughter of Polish immigrant coal miners and coke plant workers who worked themselves to the bone in dangerous and toxic conditions on a daily basis. Industry regulations did not protect them and instead exposed them to countless toxic chemicals. Every day my great-grandfathers helped to ensure that this country's economy could have the energy it needed to run. Despite this fact, every day my grandfathers brought toxins back home with them. My great-jaja died at 45 from black lung. A generation later, my mom's dad, my jaja, a working-class man, died from mesothelioma thanks to a lifetime of asbestos exposure. My mom recalls his turning blue, being unable to breathe, and having to be rushed to the emergency room on multiple occasions. He also brought these toxins home to my babcia, my mother, and to my brothers and sisters.

If there was a green amendment prior to 1971, it could have been used to address all the pollution-related regulatory loopholes of the time. Two things can be true at once: an industry can be necessary and can still cause irreversible environmental harm to people. Assembly Joint Resolution 3 is not about stopping industry. This is about protecting people.

I am a product of environmental injustices. Chemical exposure from environmental pollutants is likely written into my DNA. In Nevada I want this toxic cycle to be broken for those impacted, and to never begin in the first place for others who are still unscathed. While Nevada does not have coal mines, it has countless hard rock mines which leave a generational impact in their wake. This industry is the state's and the nation's number one toxic polluter. There are countless communities across Nevada who are living environmental injustices right now that will be written into their DNA if decision-makers do not act to ensure their right to a clean and healthy environment.

**Shaun Navarro, Private Citizen, Las Vegas, Nevada:**

I am speaking in favor of A.J.R. 3. There are many reasons I support A.J.R. 3. The biggest reason for me is that it will protect the Black, Brown, poor, and Indigenous communities, the communities that are most impacted by the effects of climate change. By the way, I want to thank Ms. Melendez so much for her testimony speaking on behalf of Indigenous communities. Not only is it right to protect these people, but these are the communities that kept Las Vegas running during COVID-19. They supply the workforce that is the backbone of our hospitality industry, the most vital industry in the state. The least thing we can do is guarantee that they have clean water, clean air, and can live in a hospitable climate.

I would also like to pose a question to the opposition of A.J.R. 3. When is all this development and mining going to be enough? We have the answer: it will never be enough. Do not get me wrong; I understand the economic importance that mining and other industries bring to our state. But I ask, at what cost? These jobs are done by the workers and communities in Nevada for big corporations full of millionaires and billionaires. I do not think it is hyperbole to say that we are talking about the very survival of the state. If it is 140 degrees outside and we do not have drinkable water, it will not matter how much money was made. These modern-day robber barons will gladly bleed our state dry of natural resources until there is nothing left. When it is gone, they will pack up and they will leave. Climate change affects every single Nevadan, both rich and poor, young and old, both current Nevadans and future generations. Should not Nevadans have a say in their future? I say, let us pass the bill, let it go to vote to the people, and let Nevadans decide their own future.

**Chair Gorelow:**

Do we have additional support testimony for A.J.R. 3? Seeing none, we will ask for callers in support.

**Taylor Patterson, Executive Director, Native Voters Alliance Nevada:**

I am testifying in support of A.J.R. 3 on behalf of Native Voters Alliance Nevada and the Nevada Environmental Justice Coalition. I just want to thank everybody and echo the sentiments of the previous testimony today. As was pointed out in the Assemblywoman's presentation, as well as by my colleague Ms. Melendez's testimony, our communities are the frontline communities that are most often affected and most devastated by these environmental impacts. All Nevadans have the right to a clean environment.

**Chasity Martinez, Private Citizen, Reno, Nevada:**

I am calling to express my support for A.J.R. 3. I also do not want to take too much time but want to echo the sentiments earlier, especially Ms. Melendez's testimony. I grew up most of my life in Fallon. I remember hearing about the cancer cluster that happened there in the early 2000s and learning about how there was pollution in the water. I never realized how much we take basic human rights for granted. I really see this bill as being a way to instill this basic right to help ensure a clean environment for both present and future Nevadans. I really want to make sure that we are having that right for those that are most impacted by issues of environmental injustice and climate change. I really hope you consider supporting this bill as written.

**Prince Cunanan Saruhan, Private Citizen, Reno, Nevada:**

I would like to express my support for the green amendment, A.J.R. 3. I would also like to uplift the words of Teresa Melendez and all of my fellow coalition members and comrades and ditto their support for A.J.R. 3.

**Lisa Ortega, Executive Director, Nevada Plants:**

I am also a member of the Nevada Environmental Justice Coalition. I am pleased to see that you are considering the right to clean air and water for the people of Nevada. It is a huge task considering our state was built on mining, but 158 years later, we are the second-highest most polluted state. We have given so much, so being the second-highest polluted state in the country is truly shameful. Low-income citizens, citizens of color, and tribes are not receiving the right to exist without human health consequences due to industrial complexes and poor planning in their communities. Our people are the future of Nevada, and an unhealthy population will only exacerbate funding needed to fight disease and health ailments. Please consider a clean Nevada for all of our citizens.

**Daryl John Meier, Private Citizen, North Las Vegas, Nevada:**

Regarding A.J.R. 3, as a first-generation-born resident of 31 years, I know this ecosystem is slow to heal. Nevada needs all the aid and nourishment provided by being responsible for our prints in time and mud. When or if I am pardoned of this gracious state, let me leave behind something to awe our ancestors with. We can be our saviors. Thank you for keeping our state, our mother, free of adulteration.

**Courtney Hafner, Private Citizen, Yerington, Nevada:**

As a resident of Yerington, I have seen firsthand the pollution and contamination that has come from the Anaconda Mine. People in town cannot drink the water because of the pollutants found in it. These consequences of extraction are not worth the health of our people in this state. I am also a previous resident of Pennsylvania. I grew up there and saw firsthand how this green act helped and protected our people. Back in Pennsylvania, I never had to ask friends and family if it was safe for me to drink the tap water as I do here. I am in full support of A.J.R. 3.

**Tristan Campbell, Private Citizen, Yerington, Nevada:**

I love my state and her land. A healthy environment, whether it be clean water, air, or stable climate is a universal given right. Regardless of if the state recognizes this right or not, or if this amendment passes or fails, it is still a right. It is up to us if we end up on the right side of history. Please let us vote on it.

**Maeve Moynihan, Private Citizen, Yerington, Nevada:**

I appreciate everybody speaking on behalf of the green amendment. There are a few things I would like to say. As a Yerington resident, we see the air pollution coming off the tailings facility of the Anaconda. The tailing piles are huge, and it is windy here in Nevada. I know that we are all breathing that in, more than we can understand. At the same time, I know that tailings have been used for foundations here in this town. The contaminated pit lake holds 31 billion gallons of unusable, contaminated water. It is just sitting up there, unusable for recreational use, but leaking into and contaminating our groundwater. My friends on the reservation cannot drink their water because of uranium contamination. I am really scared to be living in Nevada right now because I know that there is a huge green energy movement and mining boom on the horizon, although I believe that if everybody were to do some research, they would see that it is not actually green to mine for lithium. This is the legacy of rushing into extraction projects. Every Nevadan deserves protection so that the rush to extraction in our state, the most-mined state in the country and also the most arid, is not on the back of the health of all Nevadans. I think we really need to take A.J.R. 3 seriously. I have a big distrust of how decisions have been made up to this point. I believe that the green amendment would really be the way to ensure we can move on as a happy, healthy, and safe state and people. I do know pollution and contamination disproportionately affect rural and farming, so I am in support of this bill.

**Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League:**

I am here in support of A.J.R. 3. The burden of pollution falls disproportionately on low-income communities and communities of color. A green amendment will ensure that all Nevadans have a right to a clean and healthy environment, regardless of race, ethnicity, gender, or wealth. We urge the Committee to support this resolution

**Kassandra Lisenbee, Outreach and Program Coordinator, Great Basin Resource Watch:**

I am a proud multigenerational Nevadan, but I have seen my family and friends bearing firsthand the impact of unhealthy environments in rural areas. You have heard plenty about the air pollution in Yerington, but this is happening all over our state. My friends' kids living in air polluted areas are coming down with increased rates of asthma, a stark reminder that children's bodies are more susceptible to environmental toxins. You have heard about Anaconda and people living in that area who cannot drink their water and needing it to be trucked in from other places. I have Indigenous friends who face polluted water, air, medicines, and wildlife, and are dealing with issues of air pollution and poor soil. This is the legacy of not keeping our environment clean. As a Committee, you may hear today about the transition and the desperate need to source minerals, but I ask you one question: is that profit worth it on the backs of the health of our Nevadans? This Committee is meant to be

the voice of the public. You are meant to be the protectors of Nevadans. I urge you to not let industry fool you into thinking they are not sophisticated enough to look after our health. My grandpa is sick from the mining industry. I urge you to pass this resolution because what you are doing is offering the choice to every Nevadan to vote. Let the people decide if they feel it is their right and do not let industry dissuade you from letting Nevadans use their voice to advocate for their own health.

**Jonathon McNeill, Private Citizen, Reno, Nevada:**

I am calling in support of A.J.R. 3. The passage of A.J.R. 3 is an important step for Nevada's future. For many decades, we have been reactive regarding the environmental harms that plague the people and resources of our state. This is a chance for Nevada to take a proactive approach to protecting the people and environment of our state. Why wait for environmental hazards to happen when we can stop them before they have the chance to harm Nevadans and our necessary resources? I feel our representatives should realize their responsibility to put this important decision directly in the hands of the people of the state of Nevada. I support the passage of A.J.R. 3 to allow Nevadans to decide their rights. The right to clean air and water is a legacy that we will be proud to pass down to future generations and will lead Nevadans toward a future that is just for all.

[[Exhibit I](#) was submitted but not discussed and will become part of the record.]

**Chair Gorelow:**

I am going to stop support testimony at this time. We will now move on to testimony in opposition of Assembly Joint Resolution 3.

**Danny Thompson, representing International Union of Operating Engineers Local 3; and International Union of Operating Engineers Local 12:**

In 2019, the Legislature passed Senate Bill 358 of the 80th Session, which provided for a new portfolio standard for renewable energy. It said we would have changed 50 percent by 2030. Today, we are just maybe halfway there. I would ask you all to go back to S.B. 358 of the 80th Session and read the three declarations that are on the Public Utilities Commission of Nevada web page and what happens if we do not make its goals. It directs us to be the leader in renewable energy. It directs us to electrify the highway. If we do not do it, there are problems and consequences. As a representative for International Union of Operating Engineers Locals 3 and 12, I want you to know we are very concerned. We are currently hard at work building that infrastructure to electrify the highway and to meet that portfolio standard. I will tell you that we are concerned that this resolution will be an open door for lawsuits. If you want to stop the project, file a lawsuit. That is our number one concern with this bill. My second concern, as I look around this room, is I spent \$4 million to raise the minimum wage and put a provision in the *Nevada Constitution* that said, if you provide health insurance for your employees, then you do not have to pay the dollar increase. The next year Obamacare passed, and it was for naught. The problem is that that provision is still in the *Nevada Constitution* and the only way you are going to change it is by spending \$4 million.

If I could just say one other thing, I want to thank Assemblywoman Peters for meeting with us and listening to our concerns. She was very gracious, and I want to thank her for the amendment that she proposed because she was trying to meet the parties halfway. We really appreciate her efforts.

**Jeremy Newman, Assistant Business Manager, International Brotherhood of Electrical Workers Local 396:**

The intent of A.J.R. 3 is so broad, the impacts will lead to the inability to build projects on public lands throughout the state. This will put a stop to renewable energy projects, government buildings, schools, and transmission lines in the state. The unintentional impact of the bill would close off economic development, hurt growth in Nevada, and take away thousands of jobs in the state of Nevada.

**Tom Morley, representing Laborers Local 872:**

We met with the sponsor, and we appreciate the open conversations that we have had, but at this point, we are still in opposition.

**Sam Johnston, Policy Manager, Interwest Energy Alliance:**

Interwest Energy Alliance is a trade association made up of about 40 of the largest utility-scale wind, solar, storage, geothermal, and transmission developers in the world doing business in Nevada and five other western states. We are here in opposition to A.J.R. 3. Interwest Energy Alliance appreciates the sponsor's intentions and agrees that every Nevadan deserves a clean and healthy environment and a stable climate. We have been and we continue to be a strong partner in those trying to bring about that future in Nevada. Our members are investing billions of dollars here to build renewable energy projects that enable those goals. Assembly Joint Resolution 3, however, tries to accomplish those goals through broad language and undefined terms. Instead of a Nevada policy-making body like this Committee deciding what the terms and phrases in the proposed amendment mean, unfortunately, appellate courts will likely have to do so through costly, lengthy litigation. It could be several years before a stable legal interpretation of what the proposed amendment means comes through the courts. Because of that lengthy delay it could take, both Nevada government officials and renewable energy developers will be left guessing as to what law applies to a particular project. We believe that our members' projects are compatible with the rights articulated in A.J.R. 3. However, we are concerned that renewable energy opponents could weaponize the language in the proposed amendment to thwart renewable energy projects. Even if the lawsuits turned out to be frivolous, they could lead to project delays, project cancelations, and increased costs. We are concerned that our developers need legal stability to succeed in Nevada. We want to help you all make legislation that supports the goals of this resolution, but we want that legislation to be detailed and comprehensive. We ask you to vote no. [Additional testimony was submitted, [Exhibit J](#).]

**Janine Hansen, State President, Nevada Families for Freedom:**

The National Caucus of Environmental Legislators, which promotes the green amendment, seeks to put these rights on a par with religious expression and freedom of speech according to their website. The New York amendment is only one sentence and talks about clean air,

clean water, and helping the environment. It does not have any of the verbiage included in this. On page 1, line 5 of A.J.R. 3, it identifies that each person has a self-executing right, meaning that this proposed amendment goes into effect immediately without anything else required: no court action, no legislation. Does that mean that each person has a self-executing constitutional authority to in some way enforce this proposed amendment? I am not sure what those terms mean and how they will be applied. Page 2, lines 5 through 11, mentions that the state of Nevada will protect natural resources, including the public lands. Is the state of Nevada now finally taking back our public lands which have been usurped by the federal government and that the state, rather than the feds, will administer those? If so, I say Hurrah! What does "for the benefit of all people" mean in regard to the state maintaining these resources? Does it jeopardize private property rights, water rights, grazing rights, harm agriculture, industry, or mining? If some unelected bureaucrat in the state decides it does not benefit all people, by what means will these determinations be made? Will it create vigilante regulation through litigation in the courts? What does "equitably protect" mean? Equality in our laws means equal protection and opportunity under the law, so equity often means taking from those who have and giving to those who do not. Is that what this is meant by page 2, line 13, "shall equitably protect these rights . . . and treat equitably all beneficiaries in fulfilling the trust obligations of the State"? Because A.J.R. 3 is self-executing with no implementing legislation required, how will we have any idea how this constitutional amendment will be enforced? Please vote no. [Additional testimony was submitted, [Exhibit K](#).]

**Bob Russo, Private Citizen, Gardnerville, Nevada:**

I oppose A.J.R. 3. The term "self-executing" in this resolution is concerning. From what I understand, a person could seek redress for several reasons. Let us start with clean water. How do you define clean water? Every drop of water that comes out of the faucet is tainted to some degree, so how do you define clean water in a legal sense? How do you guarantee clean water? Additionally, there can be toxic metals in soil and water that are naturally occurring. I live in Douglas County where the outlying areas in particular have an issue with naturally occurring arsenic in the water. Some areas have serpentine soil, for example, that can have naturally occurring excess heavy metals such as nickel and cadmium.

Is someone going to sue a city or a county in Nevada because they sprayed the side of the road near their residence to control weeds to prevent fire? How do you guarantee clean air? We know what happens when there are wildfires in California.

What is a stable climate, and how can Nevada secure a stable climate for its residents? To my knowledge our planet has had a fluctuating climate since day one. There are so many factors that can affect it, there is no way that can be guaranteed. In my opinion, the language in this resolution is vague and very subjective in nature without any practical solutions. There are too many unforeseen consequences to support this resolution. Do not get me wrong. I think it is worthwhile to work towards cleaning our environment. I am all for it. I did soil testing for organic growers for 25 years and did soil management to help people



preserve their soils and maintain good soil tilth. We have seen innovative technologies reduce environmental impact in recent years, but for a party to be able to seek legal redress for a violation of a so-called environmental right? Is this constitutional?

**Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:**

First of all, the Vegas Chamber appreciates the intent of the bill and the efforts by the bill sponsor and her sharing the amendment prior to the hearing today. We do appreciate that very much. However, the Chamber, on behalf of its members, is still opposed to A.J.R. 3. We have concerns about the economic impact it will have on Nevada's economy, on its impact on economic development efforts, and its impact on diversification efforts in the state and at local levels we are currently undertaking in our state. We are also concerned with the vagueness of some of the statements, terms, and perceptions. Terms in the bill to be added to Article 1, Section 25, subsections 2 and 3 of the *Nevada Constitution*, specifically, are not clearly defined in *Nevada Revised Statutes*. We believe that could open up expensive and lengthy litigation. The Chamber is always concerned about opening up the *Nevada Constitution* to amendments.

**Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:**

We are here tonight in opposition to A.J.R. 3 for a lot of the reasons that have been stated. The terms are very broad, and we do believe that this is going to put the state into a tremendous amount of litigation. I am blessed to represent an essential industry which moves 95 percent of all the freight in the state. Most of that freight is moved by diesel fuel. For every gallon of diesel fuel, we were putting 22 pounds of carbon in the air. Now, we have been able to mitigate a lot of that through government regulations and private innovation to make sure that not only are we doing better things for the environment, but we are saving money for our truckers. A bad day for us is sitting in traffic unproductively burning fuel. That is the last place you want to be. We appreciate things like construction projects and truck parking. We do think that although it is not the intent, because of the broadness and the vague terms in A.J.R. 3, it could hinder some of those projects. We supported the Infrastructure Investment and Jobs Act that President Biden signed in 2021. It is going to put \$2.5 billion into the state. Money is great, but money is not physical. Money is not infrastructure. It is not mines that we are going to need to put those minerals into our electric vehicles. It is not energy generation, it is not roads, it is not truck parking, it is not factories, it is none of those things. If the litigation makes all of those things that we want to see for economic vitality and innovation increase to ludicrous levels, we are going to have less infrastructure. We are already underbuilt today. Most of the projects that we take advantage of were built before I was born. The last thing I think we want to see in this state is to create a situation where we are freezing everything, where we just have a stasis. I am afraid that that could, although not the intent, be an outcome of this bill. [Additional testimony was submitted [Exhibit L](#).]

**Frederick Partey, Chair, Environmental Committee, Nevada Mining Association:**

I appear before you on behalf of the Nevada Mining Association in opposition to A.J.R. 3. We appreciate Assemblywoman Peters' meeting with us and discussing her goals with bringing this resolution. We share her goals of ensuring the wise protection of our natural



resources in Nevada. The mining industry is subject to environmental regulations at both the state and federal level. Laws like the Clean Water Act and Clean Air Act already ensure that mine operations at any industrial operation do not unreasonably impact our environment. In addition, Nevada's regulations for reclamation are the model for the world in ensuring a productive postmine use of the land. Assembly Joint Resolution 3 will introduce an entirely new legal paradigm that projects will be subject to. Because the terms are not defined and the standards are not said, courts will be essentially making the laws and regulations as they go along. Our industry will have no certainty about what the standards are that we will need to follow. It will also empower everyone in the state to slow down or stop a project, even if the project has followed all the applicable laws and regulations and gone through all relevant public processes. Nevada Mining believes strongly in environmental protection. Our mines are the first link in the clean energy economy, and we are proud to play a significant role in fighting climate change. Assembly Joint Resolution 3 places at risk close to 40,000 jobs that the Nevada mining industry provides.

**Wiz Rouzard, Deputy State Director, Americans for Prosperity-Nevada:**

I am here representing over 100,000 activists. We do want to start off by saying thank you to Assemblywoman Peters for bringing this forward. We do highlight that. I think most of us are very sensitive to our environment and we think things laid out well are things very important to have a quality of life. We do disagree with the vehicle in which we accomplish that, and that is where we stand in regard to A.J.R. 3. As it is written, with the public trust doctrine, it deceptively allows our state governments to control property even if it is privately owned. For point of clarity, if it does pass, this bill will create some new frameworks. As you heard here from many stakeholders, that would lead to some severe outcomes that will actually counter what we are trying to achieve here in Nevada, and that is a quality of life where people can raise their family and pursue their happiness. Things like land restrictions would also lead to less housing and business development. We have seen in recent years where emerging markets, whether it has been Switch, General Motors, or Tesla, have been pushing for green energy. Recently, the lithium mine, along with many other small businesses, are bringing in this technology. This type of proposal would actually run counter to that. We believe that if this tool passes this Committee and gets to the hands of Nevadans, it would create basically a situation where political ideology and preference would proliferate rather than the rule of law. Moreover, eminent domain or regulatory taking that destroys all property value requires compensation to be provided to the owner. The public trust doctrine avoids compensation by justifying a wide range of government controls. These mandates in the name of environmental protection may vary from allowing everyone the right to access some private property or to use their own property. This resolution seriously erodes a key feature of American progress, which is simply the right to be secure in one's property. In short, the attempt to modify our state constitution is so vague and ambiguous that the passing of this resolution would lead to more endless litigation and lawsuits. We urge you to be in opposition of this resolution.

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

As I read this bill it came to mind that some of the proposals would be impossible to enact. When you say, "ensuring a stable climate," how would that work? What would

"self-executing" mean exactly? Would that really help Nevada families or just cause more problems in their lives? Are these real solutions or just wishful thinking? Why would the state want to jeopardize the families of Nevada by imposing standards, most of which are impossible to obtain? Why would we put ideas without solutions into our *Nevada Constitution*? Let us keep in mind that everything we have is either mined or grown. Debates on issues are good, but to enact ideas that have no solutions into our *Nevada Constitution* is not what we need. More debate and discussion would be needed before we jump into actions that may have devastating results. This should not be in our *Nevada Constitution*.

**Mac Bybee, President and CEO, Nevada Chapter, Associated Builders and Contractors:**

I am here in opposition. We heard a lot of testimony regarding big businesses reaping benefits. Most construction companies are actually fewer than 50 employees. Most construction companies are medium and small businesses. Those companies already have to comply with environmental regulations like the Clean Air Act, Clean Water Act, the Nevada Emergency Preparedness Association, and the Endangered Species Act already. The people that they employ are going to miss out on work opportunities because those companies will now have the potential of litigation and tying those projects up in court. We have concerns with the vague terminology and how the amendment is written.

**Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association:**

As many of you know, the automotive industry has worked tirelessly to reduce tailpipe and carbon dioxide emissions over the years. In fact, vehicles are 99 percent cleaner since the advent of the Clean Air Act. It is important to note that our new vehicle dealers are committed to a clean environment and the electrification of the automotive market. As proof of this fact, in 2022 Nevada was ranked fifth in the country, tied with Hawaii, for market penetration with respect to battery-powered electric vehicles and plug-in hybrid electric vehicles. That outpaces states such as Massachusetts, New Jersey, and New York, which put state money incentives on the hood. Nevada is doing its part for decarbonization in the automotive sector. This growth is going to continue in the months and years ahead. Unfortunately, potential lawsuits that will rise out of A.J.R. 3 could stop this advancement and halt the building of electric vehicle charging stations, and in the development of mining operations necessary for the extraction of lithium and other key minerals necessary for electric vehicle batteries. Simply put, as a result it would effectively have an adverse impact on what this proposed constitutional amendment ostensibly seeks to accomplish. In closing, it is important for me to note that I am a proud conservationist. I am a proud fourth-generation native Nevadan who has spent a lot of time out in the sticks. I love the state. I love the environment and have invested countless hours and countless amounts of money to protect our environment. I can say, on behalf of all of my member dealers, we believe the intent is good in this bill, but as drafted, is not the proper vehicle to make that happen.

**Bepsy Strasburg, Private Citizen, Carson City, Nevada:**

I am of the belief that the government should be limited. Individuals have a right to a fair and prosperous life without being overregulated. The *Nevada Constitution* should only focus

on the basic tenets of civilization, like speech and religion. Clean air or water are great objectives, and we should strive to achieve them, but not at the risk of impinging on the right of an individual to life, liberty, and the pursuit of happiness. In earlier support testimony, we heard someone say that there could be up to ten lawsuits per year. That is a lot. I hope we do not go down that way. I want to talk about the intent versus performance. This resolution will be great on the intent. We all intend to have clean air and clean water, but performance is what we need to focus on. Carson City has pollutants in its water, and we are doing something about it. We are rejuvenating our water treatment plants so the water is drinkable. That is what we need to focus on. I hate to cite California as an example, but many years ago, there was so much smog in Los Angeles that you could not see farther than maybe three or four cars ahead of you. It is a lot better now. They do not have a green amendment. Our air quality in Carson City suffers during the summer months from the fires in California. How will this resolution help us in avoiding that? I urge the Committee to think about this before enacting an unnecessary amendment to make an aspirational statement. I oppose A.J.R. 3.

**Richard Nagel, Private Citizen, Carson City, Nevada:**

I am in opposition to A.J.R. 3. This bill is incredibly vague. It does not quantify anything. We need to break this bill down into several different bills so that we can have clean water and quantify that. If we do not have a quantifiable goal, we will never be able to attain it; therefore, we need to find out what exactly is acceptable. Can pure water or clean air be actually delivered? Are we going to sue California for the fires that they had? I do not think we can stop that. Can we stop China from jet stream pollution coming over here? When it rains, we get acid rain from China. What do we do about that? These are things we need to look at and address as a world. In Nevada, we need to quantify things that we do so that we can correct them. If you do not quantify them, you cannot correct them. I really think that we need to spend more time on what is the direction we are going in and how to quantify that so we can actually obtain a goal. Without a goal, we are just like a six-pack of beer without that plastic thing holding all the cans together. We are just going all over the place. We really need to focus on getting something together and moving forward with a goal.

**Terry Graves, representing the Nevada Manufacturers Association:**

I am in opposition to A.J.R. 3. We have the same concerns that have already been voiced. I am not going into those details, but I would like to say that there have already been a great number of laws and regulations put in place, both federally and in this state, to address ever-changing environmental issues. With this in the *Nevada Constitution*, that makes it much more difficult. You lose a lot of that flexibility. The other point I would like to bring up without being repetitive is, I think when we are considering these types of proposals, I believe we need to be mindful of where we are in the world today. We are at a time post COVID-19 when there has been a wake-up call in America that we need to bring manufacturing products and goods back onshore. Pharmaceutical products, information technology products, agricultural products, and products required by our military put us at great risk in the world if we do not start bringing these products back onshore. We need to get these products back in a domestic supply chain. Assembly Joint Resolution 3 is an impediment to that action and to those needs. These efforts need to be expedited, not

impeded. That is the main message I would like to leave with you as far as manufacturing is concerned. Again, this proposal does not need to be in a constitution. [Additional testimony was submitted, [Exhibit M.](#)]

**Glen Leavitt, Director, Government Affairs, Nevada Contractors Association:**

We have over 450 contractors, subcontractors, and affiliated industry professionals, primarily in southern Nevada. The Nevada Contractors Association is opposed to [A.J.R. 3](#) for all previously mentioned reasons.

**Jake McNeill, representing Laborers' International Union of North America Local 169:**

We want to stand in opposition of [A.J.R. 3](#) at this time.

**Alexis Motarex, Government Affairs, Nevada Chapter, Associated General Contractors of America:**

For the reasons already stated, we are opposed to the bill as well

**Joshua Hicks, representing Nevada Home Builders Association; Southern Nevada Home Builders Association; and Builders Association of Northern Nevada:**

In the interest of time, I submitted a letter that sets forth our opposition to [Assembly Joint Resolution 3](#). [Additional testimony was submitted, [Exhibit N](#)].

**Brian Wachter, Senior Vice President, Retail Association of Nevada:**

We are in opposition to [A.J.R. 3](#). I will not repeat any of the testimony you heard before other than to say it is very clear that there is a lot of nuance to the legislative activities that you undertake, and certainly to this bill. There are very few days that have absolute rights and absolute wrongs. I believe it is inherently the responsibility of your Committee and the other standing committees and Legislature to make those determinations and prioritize what is good for the state of Nevada and where our priorities need to lie. This bill would reassign that authority to the courts and not provide that open and robust debate. I think it is important to be able for you to weigh the pros and cons, especially of the economic development issues but also on the environment. Without those conversations in that debate, I think we are going to end up with worse policy in the state of Nevada. For those reasons, we encourage you to vote no on [A.J.R. 3](#).

**Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:**

For all the reasons that have been described already, we have concerns with this particular proposal. We do not believe that this belongs in the *Nevada Constitution*. We can handle what we need to through laws that are targeted to address problems, as well as regulations that are put forward. We are concerned that by overreaching in a constitutional amendment that we will be impacting private property rights and other rights that people have as a result of this type of proposal.

**Chair Gorelow:**

Is there anyone else in Carson City who would like to come to the table in opposition? Seeing none, we will go to Las Vegas for testimony in opposition to [A.J.R. 3](#).

**Emily Osterberg, Director, Government Affairs, Henderson Chamber of Commerce:**

While recognizing it may not be the intent of A.J.R. 3, we believe it would be detrimental to the business community because it could lead to vast amounts of litigation. For this and all the other previous reasons mentioned, the Henderson Chamber of Commerce is opposed to A.J.R. 3.

**Chair Gorelow:**

Is there anyone else in Las Vegas? [There was no one else.] We will go to the telephone for those wishing to testify in opposition

**Jim DeGraffenreid, National Committeeman, Nevada Republican Party:**

While we appreciate the intent of Assemblywoman Peters' bill, we are strongly opposed to the dangerous unintended consequences in A.J.R. 3 as drafted. This vague and far-reaching constitutional amendment purports to give the state complete control over all of the air, water, and climate in Nevada. It actually attempts to place environmental rights on equal footing with inalienable rights such as freedom of religious expression and free speech. The amendment has serious potential to infringe on private property rights, harm agricultural businesses, and restrict mining and other Nevada industries. If prior environmental land grabs are any guide, it will likely close off land and water for protection rather than for use by human beings. Much of the amendment is impossible to enforce. We are running out of time, but for just one example, how exactly can the state of Nevada ensure a stable climate? Legislative Democrats may believe the government is all-powerful, but we suggest the control of the weather is well beyond the state's power. What kind of liability will a taxpayer face when the state fails? Enforcement of this amendment will be left to unelected bureaucrats who will be charged to interpret the meaning of the vague and overly broad language. The codes that they will write to enforce their interpretation will open the world of new lawsuits, soon to enforce inherent inalienable and infeasible rights to a clean and healthy environment. Obviously, we all support clean water and a healthy environment, but we have huge concerns about the enforcing consequences of this proposed amendment. If we have specific environmental issues in Nevada, let us address them. The language of this amendment is far too vague and overly broad. We strongly urge that this ill-conceived language is not enshrined in our *Nevada Constitution*. [Additional testimony was submitted, [Exhibit O](#).]

**Gabriela Olmedo, Associate, Advanced Energy United:**

We are a clean energy business association working to make the energy we use clean, affordable, and reliable. We represent over 100 companies across the clean energy spectrum, such as large-scale renewable solar, storage, energy efficiency, and electric vehicles. Speaking on behalf of our association in opposition of the bill, our mission is 100 percent clean electricity and electrical transportation. Our companies are engaged in a variety of project development, manufacturing, and technology installation activities that will move us towards that goal. We share the concerns expressed related to a stable climate, and we are committed to ensuring that we have a healthy environment for today and tomorrow. This constitutional amendment adds hurdles to the process which hinders the state's ability to move away from fossil fuels. Moving to 100 percent clean energy requires building and

developing projects such as new solar and wind generation, new transmission, new electric vehicles, and charging equipment. This amendment opens the door to litigation and delay, causing uncertainty and making it more difficult to build the clean electricity and transportation infrastructure that we need.

**Martin Paris, Executive Director, Nevada Cattlemen's Association:**

We are in full support of access to clean water, air, healthy ecosystems, and landscapes. A healthy environment should be the goal for everyone. However, the proposed resolution leaves a lot of questions unanswered. This resolution will invite frivolous lawsuits. There may currently be a smaller number of lawsuits in other states, but there are absolutely no sideboards in place to stop the number of lawsuits from being much larger. The simple language sounds benign, but the intentional lack of specificity ensures maximum latitude to those seeking to challenge state regulations and hardworking producers. Federal and state governments dictate the when, where, and how livestock moves, eats, and drinks in this process. For retail sale, volumes of existing environmental laws and regulations are in place to protect the rights of both people and business, each with the ability to be modified and amended. Our state's family farmers and ranchers cannot and should not be continually required to legally defend their efforts to provide food for our nation. Please reserve regulatory and policy-making for legislative bodies representing their constituents instead of our court system.

**Marcos Lopez, Outreach and Coalitions Director, Nevada Policy Research Institute:**

I am going to say ditto since it sounds like you guys have bad weather up there. We definitely agree with a lot of legal concerns and the effects on the broader economy that were mentioned before. One thing I do want to note is that as opposed to the other 45 states that have some sort of green amendment in their constitution, A.J.R. 3 is broader and vaguer than them. I do believe that this will lead to an increase in matters of litigation. One thing in particular that we are concerned about here in the Nevada Policy Research Institute is what happens if and when we get more land from the federal government and these restrictions apply. Housing is a big situation in our state right now. One of the leading causes of the housing crisis is the fact that we are not building enough, and we are not building enough because there is not enough land to build on. This is a new pathway for "not in my backyard" groups and special interest groups to block projects that come into existence. Despite the assurances of the sponsor, it is very obvious from the support testimony that they believe that this is a way to limit economic development and progress. I hope you all vote no. [Additional testimony was submitted, [Exhibit P.](#)]

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I am calling in opposition to A.J.R. 3. If you were really concerned about the environment, you would be addressing a monorail or something similar to connect the Las Vegas Strip to the airport. We would have had real transit solutions like personal rapid transit, which is a better alternative to electric cars in many cases. An article just came out that Nevada is one of the most expensive states to own a car. We would go after the lenders with their low interest rates, thanks to Wall Street and the Federal Reserve giving car loans, helping people buy gasoline and new homes. We would go after the codes and regulations for parking,

minimum arterial, and collector roads that created our dependent cities, which is still happening in the outskirts of our metropolitan areas. With the building setback and the zoning laws, we would be focusing more on geothermal and nuclear fusion technology. Many of these green policies in states like California have done actually more harm than good because it helped restrict the supply of housing. Environmental laws that we have seen enacted in the last several years have actually helped the corporations benefit more than the actual average person. It is the hijacking of the movement.

[[Exhibit Q](#) was submitted but not discussed and will become part of the record.]

**Chair Gorelow:**

I am going to close testimony in opposition. We are going to move on to testimony in neutral. Is there anyone in Carson City who would like to testify in neutral?

**Chaunsey Chau-Duong, Public Affairs, Southern Nevada Water Authority:**

We certainly do appreciate the intent of this bill. We have a meeting with the sponsor to talk more about it, but in the interest of time, we just have questions on Article 1, Section 25, subsection 3, as to how to execute and implement that provision.

**Chair Gorelow:**

Is there anyone else in Carson City who would like to testify in neutral? Seeing no one, we will go to Las Vegas. Seeing no one, are there callers who would like to testify in neutral on A.J.R. 3? [There was no one.] I will invite Assemblywoman Peters for final comments.

**Assemblywoman Peters:**

It has been a very long week. I do not want to take up too much more time, but I feel like I should put on the record some clarifying facts against some of the opposition testimony. Specifically, Pennsylvania, Montana, and New York have been fully capable of applying their amendment successfully, and there is no reason to believe that Nevada is any less capable. These states have seen zero frivolous lawsuits and lots of limits on lawsuits lawyers can bring. No one is going to be suing farmers. This is about the state's actions, not private actions.

I have two more pieces of information regarding this bill, and then I will let you go. What I will call "the parade of horrors" has not happened in any of the other states that have green amendments. The language of the amendment, including its reference to climate and the duty to protect future generations, will provide powerful support for good, clean, and renewable energy projects. There has been only one case involving a clean energy project and that was brought over a decade ago; the clean energy project was supported in that case.

The language is appropriately broad and on par with other Article 1 rights such as the right to speak freely or to be free from unreasonable seizures and searches. The broad terms are essential to ensure that, like other fundamental rights, it can cover all issues of concern and ensure that it is flexible for the needs through time. I am going to leave it with that, although

I have several other points I could make. I sincerely appreciate your time and interest tonight. Hearing the testimonies, both in support and opposition to this bill, I look forward to having potential one-on-ones with you to talk about each concern brought up tonight. With that, I am done.

**Chair Gorelow:**

Thank you very much, and I look forward to continuing these conversations as well. I will close the hearing on Assembly Joint Resolution 3. We will move on to our next agenda item which is public comment. [There was no public comment.]

Are there any other comments from the Committee? Seeing none, I would like to remind you that our next meeting is on Thursday, March 17, 2023. With that, we are adjourned [at 6:48 p.m.].

RESPECTFULLY SUBMITTED:

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Kristi Howard  
Committee Secretary

APPROVED BY:

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Assemblywoman Michelle Gorelow, Chair

DATE: \_\_\_\_\_



## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Assembly Bill 192," presented by Assemblywoman Cecelia González, Assembly District No. 16, and Emily Persaud-Zamora, Executive Director, Silver State Voices.

[Exhibit D](#) is a letter dated March 7, 2023, submitted by Michael J. McDonald, Chairman, Nevada Republican Party, in opposition to [Assembly Bill 192](#).

[Exhibit E](#) is an amendment to [Assembly Joint Resolution 3](#), submitted by Assemblywoman Sarah Peters, Assembly District No. 24.

[Exhibit F](#) is a collection of documents regarding green amendments.

[Exhibit G](#) is written testimony dated March 9, 2023, submitted by John Hadder, Executive Director, Great Basin Resource Watch, in support of [Assembly Joint Resolution 3](#).

[Exhibit H](#) is written testimony dated March 9, 2023, submitted by Nick Christenson, representing Toiyabe Chapter, Sierra Club, in support of [Assembly Joint Resolution 3](#).

[Exhibit I](#) is a packet of letters in support of [Assembly Joint Resolution 3](#).

[Exhibit J](#) is written testimony submitted by Sam Johnston, Policy Manager, Interwest Energy Alliance, in opposition to [Assembly Joint Resolution 3](#).

[Exhibit K](#) is written testimony dated March 8, 2020, submitted by Janine Hansen, State President, Nevada Families for Freedom, in opposition to [Assembly Joint Resolution 3](#).

[Exhibit L](#) is written testimony submitted by Paul J. Enos, Chief Executive Officer, Nevada Trucking Association, in opposition to [Assembly Joint Resolution 3](#).

[Exhibit M](#) is written testimony submitted by Terry Graves, representing the Nevada Manufacturers Association, in opposition to [Assembly Joint Resolution 3](#).

[Exhibit N](#) is written testimony dated March 9, 2023, submitted by Joshua J. Hicks, representing Nevada Home Builders Association; Southern Nevada Home Builders Association; and Builders Association of Northern Nevada, in opposition to [Assembly Joint Resolution 3](#).

[Exhibit O](#) is written testimony dated March 7, 2023, submitted by Jim DeGraffenreid, National Committeeman, Nevada Republican Party, in opposition to Assembly Joint Resolution 3.

[Exhibit P](#) is written testimony submitted by Marcos Lopez, Outreach and Coalitions Director, Nevada Policy Research Institute, in opposition to Assembly Joint Resolution 3.

[Exhibit Q](#) is a packet of letters in opposition to Assembly Joint Resolution 3.