



The Nevada Green Amendment Raising Up Environmental Rights

Industrial externalities, damaging development, and, at times, misplaced government action have allowed the inalienable rights of Nevada residents to clean and healthy water, air, ecosystems and environment, and to a stable climate, to be violated. Despite state environmental laws, regulations and agencies, Nevada water, air, soils, landscapes, and special natural spaces have been allowed to degrade in ways that are harming every aspect of people’s lives, with People of Color, Indigenous Communities, immigrant, urban, rural and low income communities being disproportionately harmed. A constitutional Green Amendment could help change that.

The Nevada Green Amendment will place in the state constitution’s Declaration of Rights, the right of all people to clean and healthy water, air, ecosystems and environment, and a stable climate. It will mandate these rights be protected equitably for all communities regardless of race, ethnicity, wealth, gender or where they live in the state. It will also require all Nevada government officials to protect the state’s natural resources for both present and future generations.

The Nevada Green Amendment will constitutionally mandate that government officials protect the environmental rights of all residents equitably, including future generations. The self-executing amendment will allow legal redress when these rights are violated by government action.

Establishing an enforceable environmental right will drive better government decisionmaking at all levels of government and will prevent situations or conditions in which land becomes too contaminated, water becomes too polluted, and air too dirty to support healthy lives, including a healthy economy.

In order to obtain this highest level of protection in Nevada, a proposed amendment must pass by majority vote by both houses of the Nevada Legislature in two consecutive legislative sessions, after which the people of Nevada will be given the opportunity to vote on whether or not their right to a clean, safe and healthy environment will be equitably and meaningfully protected by the state constitution.

A Nevada Green Amendment will:

- ✓ ...Place rights to a clean and healthy environment legally on par with our most treasured freedoms such as free speech, freedom of religion and the right to be free from unreasonable searches and seizure of our person or homes;
- ✓ ... Ensure that every government official in the state will work to advance environmental protection at every level of the decisionmaking process, because all government action, including the passage of laws, regulations, policies and programs is done in service to advancing the state constitution – government officials cannot change or violate the constitution, they must honor and implement it.;
- ✓ ... Ensure government prioritizes environmental justice, environmental protection and pollution prevention at all stages of decisionmaking when harms are more easily recognized and remedied;
- ✓ ... Strengthen environmental justice by ensuring all communities – regardless of race, ethnicity, wealth or where they live – have the same rights to clean water and air and healthy environments, and creating a clear constitutional duty on all government officials to protect these rights and the states' natural resources equitably for all communities;
- ✓ ... Fill the gaps in environmental laws and provide a legal basis for securing water, air and environmental protection even in those situations where there is no state law or regulation to provide protection;
- ✓ ... Ensure consideration of cumulative impacts as part of decisionmaking so the additive impact of new pollution/degradation is considered;
- ✓ ... Empower communities to address unconstitutional infringement on environmental rights such as clean water and air, contaminated soils or devastated ecosystems, by providing constitutional grounding for advocacy and access to courts for redress; as written the amendment specifically provides for equitable remedies as opposed to money damage payouts.
- ✓ ... Strengthen the healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, drought, wildfires & declining property values by ensuring government actions avoid environmental degradation rather than responding to it after-the-fact;

How is a Constitutional Amendment Better Than Legislation for Environmental Protection?

Our state and federal constitutions provide the overarching legal structure, principles and obligations to which all branches of government must conform. All government action, including the passage of laws, regulations, policies and programs are done in service to advancing government's constitutional obligations – government officials cannot change or violate the constitution, they must honor and implement it. Therefore, passage of the Nevada Green Amendment will ensure that every government official in the state will work to advance environmental protection at every level of the decisionmaking process, when harms are more readily identified, avoided and/or remedied.

Will the proposed Green Amendment inspire an unacceptable rush of lawsuits or frivolous litigation?

While the constitutional language will support important legal claims essential to address environmental pollution and degradation harmful to the lives of the people of Nevada, it is not expected to support a sudden rush of litigation and will certainly not support an onslaught of frivolous litigation. In Pennsylvania, Montana, and New York, the three states that have constitutional Green Amendments, the legal actions filed have been to address serious issues of public concern such as protecting drinking water, securing government action needed to ensure clean-up of toxic contamination by responsible parties, protecting local zoning authority, and supports government enforcement against environmental law violations. Zero Green Amendment claims have been dismissed by a court as frivolous.