

**MINUTES OF THE MEETING
OF THE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Eighth Session
March 9, 2015**

The Committee on Health and Human Services was called to order by Chair James Oscarson at 1:34 p.m. on Monday, March 9, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman James Oscarson, Chair
Assemblywoman Robin L. Titus, Vice Chair
Assemblyman Nelson Araujo
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Jill Dickman
Assemblyman David M. Gardner
Assemblyman John Hambrick
Assemblywoman Amber Joiner
Assemblyman Brent A. Jones
Assemblyman John Moore
Assemblywoman Ellen B. Spiegel
Assemblyman Michael C. Sprinkle
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Kirsten Coulombe, Committee Policy Analyst

Nancy Weyhe, Committee Secretary

Jamie Tierney, Committee Assistant

OTHERS PRESENT:

Denise Tanata Ashby, J.D., Executive Director, Children's Advocacy Alliance, Las Vegas, Nevada

Amanda Haboush-Deloye, Ph.D., Senior Research Associate, The Nevada Institute for Children's Research and Policy, University of Nevada, Las Vegas

Nicole Williams Bungum, M.S., Supervisor, Office of Disease Prevention and Health Promotion, Southern Nevada Health District

Tracey D. Green, M.D., Chief Medical Officer, Division of Public and Behavioral Health, Department of Health and Human Services

Laura E. Freed, Deputy Administrator of Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services

Latisha Brown, Child Care Facilities Manager, Division of Public and Behavioral Health, Department of Health and Human Services

Ollie Ann Wadley, Private Citizen, Clark County, Nevada

Kellie Wadley, Private Citizen, Clark County, Nevada

Itzel Siu-Johnson, Headmaster, Challenger School, Las Vegas, Nevada

Michael Cathcart, representing the City of Henderson

Paula Berkley, representing Food Bank of Northern Nevada

Carrie Paldi, Creative Kids Learning Center, Las Vegas, Nevada

Andrew M. Belanger, Director of Public Services, Las Vegas Valley Water District, Southern Nevada Water Authority

Kyle J. Davis, representing Nevada Conservation League

Steve K. Walker, representing Douglas County, Eureka County, Lyon County, Storey County, Carson City, and Truckee Meadows Water Authority

Daniel C. Fischer, Deputy General Manager, Clark County Water Reclamation District

Joseph L. Pollock, R.E.H.S., Program Manager, Environmental Health Services, Public Health and Clinical Services, Division of Public and Behavioral Health, Department of Health and Human Services
Howard Watts III, Private Citizen, Las Vegas, Nevada

Chair Oscarson:

[Roll was taken. Committee rules and protocol were explained.] We will open the hearing to Assemblyman Araujo on Assembly Bill 152.

Assembly Bill 152: Enacts certain requirements governing child care facilities. (BDR 38-623)

Assemblyman Nelson Araujo, Assembly District No. 3:

Assembly Bill 152 is an act relating to the care of children, and it would require the State Board of Health "to adopt regulations prescribing requirements for meals and snacks provided to children at child care facilities; setting forth certain requirements for child care facilities relating to breastfeeding, physical activity and viewing media; and providing other matters properly relating thereto."

I am going to ask Denise Tanata Ashby to walk you through the bill because she is going to clarify some very important points. But before I ask her to do so, I would love for you all to refer to the Nevada Electronic Legislative Information System (NELIS), as two amendments have been proposed. One of them makes some changes to the actual language of the bill that has been presented in front of you ([Exhibit C](#)), and the second one adds three additional cosponsors to the bill. Those three new cosponsors are Assemblyman David M. Gardner, Assemblyman Stephen H. Silberkraus, and Senator Joseph P. Hardy ([Exhibit D](#)).

Denise Tanata Ashby, J.D., Executive Director, Children's Advocacy Alliance, Las Vegas, Nevada:

Children's Advocacy Alliance (CAA) is a private nonprofit organization whose mission is to serve as an independent voice for children and families in Nevada and in the areas of children's safety, health, and school readiness.

As a point of background, in 2010 the National Resource Center for Health and Safety in Child Care and Early Education (NRC) published the second edition of the report, *Preventing Childhood Obesity in Early Care and Educational Programs*. The report outlined specific policy recommendations aimed at improving nutrition, physical activity, and screen time standards in early childhood education settings. An analysis of these recommendations was conducted in comparison to the *Nevada Administrative Code* (NAC) which found that as of December 2010, Nevada fully met only 3 of the 47 recommended

standards. The lack of early childhood policies aimed at preventing childhood obesity directly correlates to the findings in a report released by the Nevada Institute for Children's Research and Policy entitled, *Health Status of Children Entering Kindergarten*, which found that 30 percent of all kindergarten students in Nevada are either overweight or obese.

We have with us today Dr. Amanda Haboush-Deloye who will provide some additional information on that report.

In response to these reports, in 2012 the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, established the Nevada Early Childhood Policy Workgroup. This workgroup included key partners from across the state of Nevada who were given the task of developing recommended changes to NAC Section 432A to help combat childhood obesity in Nevada. The workgroup included representatives from places such as the University of Nevada, Reno Cooperative Extension; Southern Nevada Health District; Washoe County Health District; Child Care Licensing Division of Child and Family Services, Bureau of Services for Child Care; Women, Infants and Children; Chronic Disease Prevention and Health Promotion Section; Childcare and Development; Office of Early Care and Education; Head Start Collaboration and Early Childhood Systems; Department of Education; and many others. [Continued to read from ([Exhibit E](#)).]

The Children's Advocacy Alliance developed a written survey ([Exhibit F](#)) to identify support and opposition, as well as general comments or question, related to each specific NAC policy change recommended by the Nevada Early Childhood Policy Workgroup. [Continued to read from ([Exhibit E](#)).]

Nevada is not alone in this effort. Since the release of the Caring For Our Children standards for nutrition, physical activity, and screen time to reduce childhood obesity in 2010, at least 20 other states have made changes to their laws and/or regulations to increase their compliance with these best practice standards. The progress of those states is illustrated in the report, *Achieving a State of Healthy Weight, 2013 Update*, ([Exhibit G](#)) prepared by the National Resource Center for Health and Safety in Childcare and Early Education which was included in the materials that were provided to you. Like many other states, we recognize that we cannot meet all 47 best practice standards at this time; however, we are confident that this legislation, along with the resulting regulatory changes, will go a long way not only to meeting a larger number of those best practice standards, but ultimately in reducing the rate of childhood obesity in Nevada.

I would like to do an overview of A.B. 152. We have submitted a friendly amendment to this bill ([Exhibit C](#)). [Continued to read from page 4, ([Exhibit E](#)).]

Assemblyman Araujo:

With the Chair's permission, I would like to ask Ms. Amanda Haboush-Deloye to join us as she has some critical data that I think you all will find helpful.

Amanda Haboush-Deloye, Ph.D., Senior Research Associate, The Nevada Institute for Children's Research and Policy, University of Nevada, Las Vegas:

We conduct an annual kindergarten health survey which goes out to parents of children entering kindergarten all over the state of Nevada during the first month that school starts, around September. The data I am presenting is from the 2013/2014 school year as the most current data is not yet available.

It is important to note that this is a statewide survey and we get about 7,000 respondents all throughout the state. The majority are from Clark County followed by Washoe County, and then the rural counties, but it is representative of the entire state, and we do get a sample back that would make the data valid and reliable.

The first statistic I want to share is that our children entering kindergarten—so this is not even through kindergarten but starting kindergarten—30 percent of them are overweight or obese, and out of that number, 20 percent are obese. That is a significant problem, and that data has been studied since 2009. So that data, even though it is not going up, it certainly is not going down either.

The other thing that we ask parents is if their child is receiving at least 30 minutes of physical activity per day and how many days a week they are doing that. About 17 percent say they are only getting physical activity less than three times a week, so they are not being active, and 25 percent say four to five times a week. We have 30 to 40 percent of children who are not having at least 30 minutes of physical activity every day.

The other statistic that I would like to share is the hours of television viewing. We asked parents to tell us how many hours the children are watching—not on the weekend but during the week—during a school day. About 20 percent of the children are watching three hours or more per day at home. Those are hours where they potentially could be active instead of watching TV. Another important statistic is that the parents were reporting that approximately 23 percent of the children are drinking juice more than once a day. That is important to note because the American Academy of Pediatrics only

recommends four to six ounces of juice per day for children one through six years old. Given that the average container is probably at least eight ounces of juice and they are having that several times a day, that can definitely be a factor combined with a lack of physical activity that could contribute to childhood obesity. That report is available online, and I can share the link if you would like more information on that data.

Assemblyman Araujo:

That concludes my remarks. I want to reemphasize the importance of the statistics that you have just heard. This is not a simple issue. It is a complex issue, but I strongly believe that we have a responsibility to make sure that our children are healthy and prepared to take on all the challenges that are to come.

Assemblyman Gardner:

One of my concerns is we have one of the highest day care costs in the country. As a percentage of salary, have you done a study to see if that would increase those costs at all or if there is a way to detail it so it will not increase it? Another concern is when we are talking about media, as far as I understand, media covers everything electronic. Would that include educational media, or is that just the cartoons and things of that nature?

Denise Tanata Ashby:

Part one of your question which is related to cost has been something that has definitely been part of the conversation throughout. I know that there are concerns with providers about the cost of food that would be required following the Child and Adult Care Food Program guidelines, and there have also been questions of cost about requiring those types of foods and if that would require a commercial kitchen. I can guarantee we are not trying to put anything in place that would put a significant financial burden on child care facilities. We recognize the cost. A lot of parents cannot afford child care, and we have very limited resources to assist—particularly those low-income parents—with that as well, so we are not trying to increase that cost and we are absolutely willing to work with those facilities.

As part of the regulatory process, there would be a cost-impact survey done that would go out to those affected facilities. I anticipate through that process we would ensure that we were addressing those issues.

Would you please repeat the second part of your question?

Assemblyman Gardner:

Right now media, as I understand it, is all electronic anything—computers, TV, anything. I was wondering if that also included educational media.

Denise Tanata Ashby:

Essentially what we are looking at in the bill is both time and purpose for media. What we know is there are a lot of good centers that are using media for educational purposes. In this day and age, that is becoming more and more popular, not only in the K-12 system but also in the early education system. We are not trying to limit that. We have not put specific requirements in this bill regarding time, but we do want that to be something that is addressed. What we do know, and I have witnessed it when walking into child care facilities, is the children are being sat down in a group to watch SpongeBob SquarePants, and that is really what we are trying to combat.

We also know that there are times when they were using media, whether it is videos or other programs, for physical activity, and we think that would be perfectly acceptable. We recognize there that we are probably not going to meet the stringent guidelines that are in the Caring For Our Children standards around media time. If I remember correctly their recommendation is no more than 30 minutes per week of any type of media time, so we are not trying to get to that level. We recognize that would be one of the standards we will not fully meet, but it is primarily for that purpose.

Assemblyman Jones:

My question is in line with Assemblyman Gardner's. You do not specifically describe what a video is. Educational videos can be very good. I have learned more from the History Channel than I did when I was in school. Also with the dietary requirements, it is all very general and then it kind of dumps it on the State Board of Health, so can you please tell me how that works? Where is the State Board of Health going to pull their guidelines from? Who is deciding and how does that work? It seems so vague; there are no specifics.

Assemblyman Araujo:

We can work with you to clarify that media language if that will make you feel more comfortable, but I will also share with you that we have been having some discussions with the Department of Health to see what would work best, and this was language that we had agreed to—keeping it in general terms so that it gives more opportunity for us to have that dialogue to see what works and what does not.

Assemblyman Jones:

You do not have specific guidelines yet such as what type of healthy meals to provide. This is just to try to throw it out there that you are now going to try and determine what guidelines to use?

Assemblyman Araujo:

Dr. Green will be testifying later today in the neutral position, and I know that she has some specific regulations that she has been working on.

Assemblyman Moore:

Have there been any complaints filed with the state or local governments regarding any of the existing meals or snacks that are currently being provided?

Assemblyman Araujo:

Not that I know of, but I do not think I would be the appropriate person to answer that question. Maybe someone from the Department would be able to clarify that for you.

Assemblywoman Titus:

Although I am definitely in favor of exercising, I am alarmed, as all health care providers are, about childhood obesity and adult onset diabetes and all of those things that are happening. I think the "why that is" has different arguments to it. In health care, for example, recently we had limited the amount of sodium intake to no more than two grams until we figured out that now we can have much more than that. We had limited fat intake thinking that was making people obese, and now the argument is it may not be bad fat—it might be really bad carbohydrates that we are taking in. I am very concerned about the government, in all its wisdom, mandating to private entities and families and parents what is best for their children. I think this particular bill is really a huge overreach of government censoring media, censoring what they can watch during mealtime, whether or not you choose that SpongeBob SquarePants is appropriate childhood mealtime viewing. It may not be appropriate to you; it might be appropriate in some other households. I have real concerns that this is an overreach of government intervention. However, guiding parents on what is best for their children and recommendations absolutely is appropriate; but when you mandate what a private company can do, I have real alarm about that.

Assemblyman Araujo:

I want to reiterate that with A.B. 152, we would not be forcing the parents to bring in specific types of foods. It excludes that provision from there. It is also allowing us to create healthier options for our youth. In regard to the media time, we are not censoring what they can watch and we are not asking anyone

to censor what they can watch. What we are asking for is for a fair allotment of time for how long they can watch TV.

Assemblywoman Titus:

That is not really defined. This is such a broad swipe of the pen that you are not really defining any of that, nor should you define it. I really think you should not be involved in it at all. The government should not be involved in what we do and when we eat and those types of efforts. I have to say, as this is written, it sends up huge red flags for me.

Assemblywoman Joiner:

I appreciate your bringing this forward. I have been a working mom since both of my children were born. At seven weeks they were both in child care, and they practically raised my children. I have been very lucky that our primary child care facility is fantastic. We have these conversations, they feed my children perfectly, they get tons of exercise, and they do not watch TV. But last year, my daughter was in a facility for aftercare that I had to pull her from because they fed her sugary drinks and showed her age-inappropriate movies. So for me, I think if this legislation had been in place, it would have been very empowering for me as a parent to basically encourage that facility to have that conversation with me. When I raised those concerns with them, they did not have to listen to me. I had no choice but to pull her. They were going to do it the way they had been doing it for 40 years, and despite how unhealthy it was and despite the age-inappropriate movies, there was nothing I could do. I think this is incredibly empowering for parents who want their children to be healthy and that facilities have to pay attention to that.

Assemblyman Sprinkle:

I appreciate some of the comments from my colleague; however, I do not necessarily see this as an overreach of the mandates that we are talking about. We are not forcing anything on these children. I am not seeing it that way. What I am seeing is you are helping to give strict guidance and regulations to a growing epidemic problem throughout the entire United States, and so I am extremely appreciative of the fact that you are bringing this bill forward. I do have one clarification question. Under section 2, subsection 3, it talks about limiting fat and sugar content of all meals and snacks. I am wondering if there is a way to define that a little bit better for my own edification.

Denise Tanata Ashby:

Yes, the Caring for Our Children National Health and Safety Performance Standards has very specific guidelines and recommendations regarding sugar and fat content, which is where some of this language came from, but we would be more than happy to work on clarifying language on this as well.

Assemblyman Trowbridge:

The one that caught my eye was defining heavy physical activity and having it include "heavy yard work." Are we going to have the children out there with little hammers breaking up rocks, or what are we doing here?

Denise Tanata Ashby:

The definition was not applicable to young children but to a broader age range, but we have removed that in the amended language.

Assemblyman Trowbridge:

I had visions of little children with red wagons going through the neighborhood picking up whatever. It was not a good picture.

Denise Tanata Ashby:

No, we do not endorse that.

Chair Oscarson:

We will now take testimony in support of A.B. 152. Is there anyone in Las Vegas that would like to testify in support?

Nicole Williams Bungum, M.S., Supervisor, Office of Disease Prevention and Health Promotion, Southern Nevada Health District:

The Southern Nevada Health District does support A.B. 152. As you have already heard, our county and state are in the midst of an obesity epidemic, and so establishing healthy behaviors while a child is young is critical to our overall efforts to prevent childhood obesity. Research has shown that if children are overweight or obese by the age of two, they are significantly likely to become overweight and obese adults, and that is why implementation of prevention strategies in settings like child care centers are so critical. The Health District has worked to provide resources and technical assistance to increase physical activity and to improve access to healthy foods in child care settings.

Since 2011 the Health District has worked with nearly 180 child care providers in Clark County, providing one-on-one technical assistance as well as a physical activity and curriculum designed specifically for child care centers. [Continued to read from ([Exhibit H](#)).]

On a personal note, like Assemblywoman Joiner, I, too, am the working mother of a child that spent four years in preschool and child care, and it was a great environment for her. I did not have to worry about whether she would watch TV all day or what she was being fed. I would like for other working mothers and fathers to have that same type of assurance that I did. Through my

personal and professional experiences, I know that child care providers are dedicated and hardworking and they want to do what is right for our children. The Health District is committed to improving physical activity and nutrition in child care centers, and we will continue to work with providers, parents, and other state and local stakeholders to support physical activity and improve nutrition in child care centers.

Assemblyman Gardner:

Some of this seems to be talking about parenting of these children. Do you believe that this bill, by helping day care, will help with that? Or is this not enough if we do this in day care if it is actually going to cause the kind of movement we think we need?

Nicole Williams Bungum:

We are committed to working with the Children's Advocacy Alliance to provide resources for health care providers and for parents so that if there is education that is needed, we can help meet that and provide for parents as well as providers.

Assemblyman Jones:

I would like to see the practical application of these laws as they filter down. For instance, the fire department comes through my business every six months without notice, and they tell me all the things that I have to do or to change. There is always a nice bill associated with that. So would you go on and do inspections every now and then and tell people, kind of like you do with the Health District, that they got an A, B, or C rating, or how would this be implemented in the child care facilities on a practical level? What types of costs are there or what things would you find as a result of that when you go in and do your inspections or implementation? Could you give an idea of how that would work practically in the field?

Nicole Williams Bungum:

As we understand this bill as it is written, and I have not seen the amendment, if this law passes the Health District would not have an enforcement role in this from an environmental health perspective. I talked to them and they let me know that they are also supportive of this, and they are willing to work with child care providers. Our effort would be in providing that education through resources that we can make available online or print and distribute to providers and parents.

Assemblywoman Benitez-Thompson:

I was appreciative of that last question because it was one that I had about how the process holds out. It does not sound as though this is especially onerous

or heavy-handed in terms of a large fallout for child care providers but instead, if I am looking for a child care provider as a parent, I could ask them if they are in compliance with the regulations that are promulgated and then have an understanding of the nutrition that my child will get during the day. I think that is important, because if you have a job like so many of us do—ideally we would all like to be home loving and cuddling on our little ones all day—but when fantasy meets reality the truth is we have to work and we cannot do surprise pop-ins, as working parents, into these day cares. As a parent I could use this as a tool when I am looking for day care to help me gauge what type of nutritional decisions are being made at my child's day care. Is that right?

Nicole Williams Bungum:

That is how I understand this. Through toolkits and resources we are providing information to parents and providers to start those conversations.

Assemblywoman Dickman:

This would become law, so what would be the consequences of noncompliance? And can we not ask those questions of our day care providers without a law?

Nicole Williams Bungum:

As we understand this, the Health District would not have an enforcement role, so I would have to defer to someone else to answer that question about enforcement and compliance.

Assemblyman Araujo:

To clarify, child care licensing would be responsible for the enforcing; it would not be the Southern Nevada Health District. I think that Dr. Tracey Green, who is here, may be able to explain the process and the work that they have done thus far.

Chair Oscarson:

Dr. Green, maybe you could come up and answer those specific questions, not saying that you are in support because that is the part we are in right now, but just so you could answer some of those questions about the role of Health and Human Services and child care facilities.

Tracey D. Green, M.D., Chief Medical Officer, Division of Public and Behavioral Health, Department of Health and Human Services:

Aligning with national standards is very common. Oftentimes in the law we will align with the national standard and then get more specific in the regulatory piece so, as stated in this particular NRS, complying with the food component set forth in Title 7, Code of Federal Regulations (CFR), Part 226.20 is actually

the United States Department of Agriculture's (USDA) Child and Adult Food Care Program, so it is both for children and adults. I think it is probably easiest if I give you some specific examples of what some of the recommendations are for children under this program.

This program aligns both the age of the child as well as the meal, and it does the same for exercise. A specific example would be a lunchtime. The recommendations under the USDA program would be if you were one to two years old, it would be a half of a cup of low-fat milk, a quarter of a cup of vegetables, a half of a cup of fruit, and a half of a slice of bread. As you go up in age, for example from 6 to 12 years old, then the specifics would be one cup of low-fat milk, a half of a cup of vegetables, a half of a cup of fruit, and a half of a slice of bread. The allowance would be in the statute, and it would align with the national recommendations. In the regulatory process we would then be specific about what those recommendations are. If those recommendations change, it also gives us the opportunity to decide whether or not to change the statutory language.

**Laura E. Freed, Deputy Administrator of Regulatory and Planning Services,
Division of Public and Behavioral Health, Department of Health and
Human Services:**

The Committee asked a question about the number of complaints regarding nutrition; to our knowledge there have been no complaints to the Child Care Licensing Unit, which would be the enforcement body for this law, regarding the nutrition provided in licensed child care facilities. I also wanted to note that under NRS Chapter 432A child care facilities are inspected at least once a year, usually twice a year, and those inspections are unannounced.

As to the questions regarding "How does this work in the real world?" I would suggest to you that is really the key; how do you inspect to these kinds of standards? Adding on to what Dr. Green said, if you adopt by reference some of the best practices in regulation, it might be a little more flexible to go into a child care facility unannounced and check on the nutrition that the children are receiving and check on the levels of activity because every child care facility has to have a posted activities schedule, and you check to make sure that this is all being conformed to.

For even more specifics I would toss it to Latisha Brown, the head of our Child Care Licensing program.

Latisha Brown, Child Care Facilities Manager, Division of Public and Behavioral Health, Department of Health and Human Services:

We do go into the facilities at least twice a year. It is for a lot of stemming issues that we go into a facility and we investigate and observe. Facilities are currently responsible for providing us menus and required physical activity curriculum. We believe that amendments to the regulations would allow us the flexibility to move with these recommendations as they change, because recommendations do change.

Assemblyman Trowbridge:

Those sections at least need to be referenced someplace else or more explanation is needed where we talk about "providing specialized plans for children with special needs or who have disabilities" [section 3, subsection 2(b)]. What size, number, and types of accommodations are being expected?

Latisha Brown:

I am not sure what you are referring to.

Assemblyman Trowbridge:

Are you going to have an amount of square footage that would be required with specialized equipment apparatus? What kind of training is going to be required for people who are going to help with these children with specialized needs or disabilities? It is a very complicated subject you are dealing with here.

Latisha Brown:

Yes, that is correct. We do have specialized facilities and there are different facility types; for instance, we have centers and then we have special-need centers, and we also have centers for ill children. We also have institutions for at-risk youth that we inspect.

Each facility type has a specific type of director who has to meet certain skill requirements and educational purposes in order to meet the needs of the children that occupy that school.

Assemblyman Trowbridge:

It probably is referenced in another section of the law, but in my read of this I was assuming that all facilities that were going to be licensed as a child care facility would have to meet these standards.

Latisha Brown:

Correct. That is how we read it as well. In our *Nevada Administrative Code* per the regulations, we divvy out the facilities according to the facility types so there are different facility types.

Assemblyman Trowbridge:

That is where I am missing it. In this particular piece of legislation, it does not mention "facility types." I think it is just a blanket referral. So if my wife wanted to start caring for children in our home and gets a child care license, what type of prudence would I have to have to accommodate disabled children? But you are saying it is a different type of license apparently.

Latisha Brown:

Yes, it is a different type of license, and we do have different types of qualifications for facilities that are specified for children with special needs. We have that delineated as to what we expect them to have education-wise and experience-wise, in order to do so.

Tracey Green:

There is the opportunity in regulation to be more specific about special needs children or special needs child care facilities as well as other types of facilities that could be delineated in regulation.

Assemblyman Trowbridge:

I understand the possibility for future regulations, but I am saying, where are they? We are flat requiring it now, and how can you require it and say there is a possibility for future regulations? Should it not all be addressed at one time? If someone is going to come forward and apply for a day care license and there is level A, and then there is level B day care which also accommodates 50 children, and level C which is 50 children, 25 of which can have disabilities, that type of differentiation should be spelled out someplace before we adopt blanket regulations that say "they shall do the following."

Laura Freed:

That is kind of the split right there between statute and regulation. In my experience, statutes provide guiding policy statements, expressions of the legislator's intent about what should happen. Then the details about the kinds of improvements you would need to make if you were going to operate this size or that size of a facility and for this type of child or that type of child; that is all the stuff that gets done and hashed out via the regulatory process because there are so many more opportunities to engage stakeholders than in one or two Committee bill hearings.

I cannot speak for the sponsor of the bill, but to the generalization of the language, I believe that the thinking is that it is that statutory versus regulatory break.

Tracy Green:

We are currently in the process of working on these regulations. It has been delayed, but it has been in the regulatory creation a little over a year. We have an excellent working draft that has been with all of the agencies that have presented today, so we are committed that when and if this moves forward, it will move forward with the regulatory piece as well.

Assemblyman Gardner:

Has there been any cost analysis of how much this might cost the various day cares and, subsequent to that, how much it could increase or decrease or not affect at all the current child care rates that are being paid for by parents right now?

Laura Freed:

Child Care Licensing or Public and Behavioral Health has not done any cost analysis on our licensees. I think you have to ask them, and I imagine some of them will testify. As far as the additional workload for child care licensing in considering this bill, and particularly in considering the regulation that is in the draft that Dr. Green referred to, we would likely just incorporate it into our regular inspection protocol, and that would all be rolled into the fees that we charge under NAC Chapter 432A.

Chair Oscarson:

Are there any other questions? [There were none.] We will now ask for additional testimony in support of A.B. 152, bearing in mind that the last two people at the table, Ms. Freed and Dr. Green, were there only answering questions.

Ollie Ann Wadley, Private Citizen, Clark County, Nevada:

I am in support of A.B. 152 so that kids can have healthy food and have activities while they are in school and preschool.

Kellie Wadley, Private Citizen, Clark County, Nevada:

I would like to state my opinion as a parent of four children who has had to rely on child care. That was my daughter that just testified. She got nervous and tongue-tied, but she was very excited to speak to you all. I had no intention of speaking, but I was emotionally charged when I heard the comments and questions. As a parent, I would like to say that I do not find this to be an interference from government as to tell me how to raise my children. We lead

a rural lifestyle and appreciate the independence that we are allowed living that lifestyle. But as a parent having to rely upon child care, I find it comforting to know that when I take my child and pay these outrageous fees—as single working parents can relate to—that they are under some type of guideline to ensure that they are getting nutrition and they are getting exercise and that the limited education provided to them is not just someone kicking back and putting them in front of a babysitting television or media program, but there is effort put into caring for my child when I am not present. I think that some type of regulation would be very comforting to other parents as well.

Chair Oscarson:

Thank you again to your daughter for testifying. Is there anyone else in support in Carson City? [There was no one.] Any other support in Las Vegas? [There was no one.] Is there anyone in opposition in Las Vegas? [There was no one.] Is there anyone opposed in Carson City? [There was no one.] Seeing no one we will go to neutral. We will start in Las Vegas.

Itzel Siu-Johnson, Headmaster, Challenger School, Las Vegas, Nevada:

We feel this is a core issue for us. I do not know if you are familiar with our institution, but we have been in business for over half of a century here in Las Vegas, and we have a superior core curriculum product. You may have heard that our students have superior results.

Chair Oscarson:

May I interrupt you for a moment? I want to make sure you are testifying in neutral, or are you opposed or supporting?

Itzel Siu-Johnson:

I was remiss in standing up. I was going to speak up in opposition to the bill. [The Chair confirmed with the sponsor of the bill to allow the testimony.]

We do have students that begin with our institution at two years nine months old and go all the way through eighth grade, and I can tell you that at our institution we serve wholesome snacks that are very balanced and basically superior to any of the guidelines that are suggested in these bills or recommendations. We also have a competitive physical education curriculum that does guide the students both in fine and gross motor skill development, making sure that they are working through endurance, flexibility, coordination, and a number of other skills. We are very concerned about this not because we fear that we would not meet the standards—we know that we exceed them—however, we are really concerned about the cost impact that this will have on our operation. We will probably have to retrofit the facilities to allow for some of the recommendations that right now are not applicable although

we feel we are exceeding these recommendations and our students are excelling across the board.

We do also find that in a free market parents have a choice with respect to where they take their students or their children for child care, and we do not feel that this is within the proper role of government to define for independent private institutions the manner in which they shall conduct business. We do feel there is a mechanism already in place for parents to have a choice and to do their due-diligence investigation regarding where they want their children to attend child care. Then hopefully they will find that there are superior places in town or available options for them to meet the parenting requirements that they want.

I would also submit that there is not enough information either way to demonstrate that this would resolve the childhood obesity problem. We, as community members, are equally concerned about the obesity epidemic and we make whatever elements necessary within our curriculum to resolve that. However, we do not think that this is going to take care of the problem. We do feel that it is multifactorial and, although we do not have our students watching SpongeBob SquarePants or eating sugary snacks, we do think that if children are obese, that it is a large responsibility on the parents as to what they are doing there.

In closing, we have a strong concern regarding the manner in which this bill would impact our business operations and our business practices.

Chair Oscarson:

We will now go to neutral testimony.

Michael Cathcart, representing the City of Henderson:

We originally filed a fiscal note on this bill, and since the time of that filing our Parks and Recreation staff have reached out to Denise Tanata Ashby from the Children's Advocacy Alliance, and I believe that they have straightened out all their concerns. We want to make sure that we are on the record that that fiscal note no longer applies. We did not want to be the reason to cause any problems for this bill, like getting it sent to Ways and Means, so it no longer applies.

Paula Berkley, representing Food Bank of Northern Nevada:

We would like to commend the sponsor of this bill for the purpose of this bill. We feel that it is a well-established fact that good nutrition leads to healthy beings and children that can thrive, so we are very supportive. We are a sponsor of the Child and Adult Care Food Program (CACFP) for the federal

government. Probably the two food banks are the major providers of these programs and have been for years. We feel the requirements are more than rigorous and administratively challenging, and it might be difficult for some organizations to comply with those regulations. So if you start out with requiring those be replicated into state law, we think that it might be an undue hardship.

It is unfortunate that for-profit child care facilities cannot apply for these funds. There are minimal requirements that say that 25 percent of the children need to be qualified for Title XX money and 25 percent be qualified for free and reduced-price lunches, so these for-profit child care facilities cannot apply for this program yet. If they could, they would get funding for administering the program as well as for the food. It is unfortunate that maybe they have to comply with the regulations but not get the funding for it. [Continued to read from ([Exhibit I](#)).]

Sometimes the requirements seem very rigorous, and I think that if you just blanket the CACFP requirements onto the state, it might be very difficult for these facilities to adjust to it. We wanted you to have these considerations in mind, and we offer our support to both the sponsor and the advocates on this bill to see whether there is some way that we can help in figuring out whether we are signing up for more than we want to chew.

Tracey Green:

The state is neutral on this bill, but within our neutrality I would like to say that we are committed to improving childhood obesity in all youth in Nevada. We are also committed to the regulatory process and, should it be necessary, we will complete this regulatory process and we would like to have it completed within this calendar year. Though I know that it has been a long process, I did want that on the record.

Carrie Paldi, Creative Kids Learning Center, Las Vegas, Nevada:

It is important to address that the issue of childhood health and obesity is obviously an issue in our state. I serve as the Co-chair of the Child Care Licensing Advisory Council, and so I feel that I do need to indicate some of the issues that came up in this process when the regulations that are proposed were being discussed with the committee.

Chair Oscarson:

You are testifying as neutral, correct?

Carrie Paldi:

I am testifying as neutral because I am bringing concerns that came up from a variety of different people and are not necessarily just mine. Some of the concerns that did come up in the regulatory review process with the group were concerns about Child Care Licensing's ability to regulate these things and how that regulation would look and how they would be interpreted.

The lady that spoke previously did indicate that centers that operate for a profit, unless they have a certain amount of children, cannot apply for the Food Care Assistance Program funds, and so there definitely would be costs associated with providing some of these different kinds of food. There was particular consideration for people that were in the rural communities because often the costs of fresh fruits and vegetables are higher in rural communities because of the nature of our rural communities. That was definitely an issue that came up.

Providers were concerned with preparation and storage, particularly in the southern Nevada area where we deal with having a different regulatory agency and the Southern Nevada Health District. I do believe that some of those issues have been addressed, but not all of them have. For instance, if somebody were going to cut an orange they would have to have a health card, which is not something that is currently required of child care providers.

A lot of people really spoke to the fact that they felt that this was a family issue as opposed to a center and regulatory issue, and I felt that it was important that I share the things that did come up during the process.

Amanda Haboush-Deloye:

After listening to some of the comments, I just wanted to provide a couple of extra data points for consideration. I heard questions about whether or not making these changes in child care facilities would, in fact, have a larger effect on parents and at home, and I wanted to bring up the fact that a lot of research has shown that modeling is very important behavior. Learning behavior does not stop at children; it also applies to parents. So when child care facilities model this behavior, there is a potential that parents will see the nutrition that is going on, the different activities that are done in the centers and the types of care that they are receiving, and they will potentially start to learn and to model that same behavior at home.

When children have access to it, when they are spending the majority of their 20 or 40 hours a week at a child care facility, they are also learning and modeling those behaviors. If they do not have access to them, or parents are not familiar with those at home, it is another place where they can start to learn these healthy behaviors.

The second item I wanted to talk about was the biggest predictor of overall health in our society: socioeconomic status. The children that may be most affected by this are those children from low-income families who tend to have higher rates of obesity and have lower access to nutritional foods. As we just heard, even in the city, but especially in the rural areas, those prices of fresh fruits and vegetables and healthier foods can be more expensive. If you have limited funds, sometimes choice is not a reality and parents may not have a choice in the types of food that they get or the types of child care facilities that they have access to due to transportation limits or access to what is available in the neighborhood or what they are able to afford. Those are other data points to consider when you are making your decision.

Assemblyman Gardner:

What percentage of children in the state of Nevada are currently going to a day care center?

Amanda Haboush-Deloye:

Currently for three- and four-year-olds, only 30 percent are in child care or are enrolled in child care facilities. There are 70 percent of those children that do not have access and for many of those, it is not necessarily a choice to keep the children at home.

Assemblyman Trowbridge:

I appreciate the earlier comments that got me squared away on the lack of specificity in this particular statute. I now understand that the State Board of Health is the one that is going to establish the regulations, but I would like to comment that I do see from some of the comments that came in that there needs to be some kind of differentiation between the small, home, mom-and-pop type of operation versus a commercial one. Some of the comments, like the one about the three sink capability to slice an apple, is something that might have applied to a commercial kitchen but would not help someone that is trying to have just a small in-home type facility. I would imagine the regulations would address those types of issues. There are different needs. We do not want to overly burden someone that is just doing it in their home and has a limit of six or eight children they can care for, and they do not need three sinks or to modify their kitchen to accommodate that.

Chair Oscarson:

Any further questions? [There were none.] Any other testimony in the neutral position? [There was none.]

Assemblyman Araujo:

Thank you for taking the time to listen to this bill proposal for A.B. 152. I think it goes without saying that obesity is a great challenge for us in our state, and I do feel strongly that we have a responsibility to our children to make sure that they are well prepared for their future. Listening to Ollie Ann Wadley is extremely inspiring because it shows how promising our future is. I ask you to please consider supporting this bill and consider allowing us the opportunity to put in the right policies that will help our children. I am happy to work with anyone to clarify any concerns and follow-up questions that you may have.

Chair Oscarson:

I think that sounds like an open invitation to contact Assemblyman Araujo directly if you have anything you would like to add, and I heard there were several issues. I know it is a fluid discussion, so thank you for bringing it forward and having the testimony you did today.

Seeing no further testimony, I will close the hearing on A.B. 152. I will now open the hearing on Assembly Bill 169.

Assembly Bill 169: Provides for the collection and application of graywater for a single-family residence. (BDR 40-804)

Andrew M. Belanger, Director of Public Services, Las Vegas Valley Water District, Southern Nevada Water Authority:

I am here today to testify in support of Assembly Bill 169. This bill has to do with the collection and application of graywater for single-family residences, and this bill has been heard by the Legislature twice in the last six years. I believe the first time was in 2009 and again in 2013, and this version of the bill represents a move forward on graywater and allows us to support the process of starting to use graywater in the state of Nevada.

From the Southern Nevada Water Authority's perspective, we have always been hesitant and a little concerned about the use of graywater because in the southern Nevada area we recycle all water that hits the sewer system. The use of graywater systems in Clark County as a whole does not do anything to extend the resource; if that water hits the sewer system, we recycle it already and everyone recycles whether they know they are or whether they do not know they are. That has enabled us to stretch our water supply by 75 percent, so for every gallon we take out of Lake Mead we are able to use 1.75 gallons. That takes our really small allocation of Colorado River water and stretches it really far, and so that is really important for southern Nevada.

We have never been opposed to, and we have always supported, the use of graywater in parts of Clark County that do not have the ability to return the flows to the lake, so we have always supported the use of graywater systems by well owners. Areas that are not in the Las Vegas basin should have the ability to have graywater systems if they make sense. This bill allows for the use of graywater systems throughout the state of Nevada, with exceptions that are listed in section 6, subsection 2(a). [Read section 6, subsection 2(a).]

Those exceptions satisfy the concerns that we have had in previous sessions related to graywater systems. Just to be clear, graywater systems take water that has been used once in a home but not water from a toilet or what is considered "black water." Graywater is water that may have had soap in it or something like that or washing machine water or dishwater and water used on gardening. That is what this bill allows for.

We have a couple of small amendments ([Exhibit J](#)) that were put on the Nevada Electronic Legislative Information System (NELIS). Hard copies were provided as well, and I want to walk through those quickly. The first amendment is on page 2, section 6, subsection 2. I think we drafted it incorrectly originally, and instead of pointing to subsection 4 it should point to subsection 3. That is because subsection 3 is the part that says if you are on a septic you can still have a graywater system.

The only other change we made and are recommending is to put an effective date on the bill. We are suggesting July 1, 2016, so that the State Board of Health has ample opportunity to develop the regulations for these permits and that there be a requirement that those applications be tracked and reported back to the Legislature in preparation for the 2021 Session. Essentially, people have four or five years to put these systems into effect and give the Legislature an opportunity to look at that.

That is my testimony today. We stand in support of this bill.

Kyle J. Davis, representing Nevada Conservation League:

To be fair, on the issue of whether this ought to apply within the Las Vegas basin area, we have not come to an agreement on that, but we do agree that this bill is a good step forward in terms of pushing forward graywater systems in Nevada.

What we are trying to do here is create a system in which these systems can be permitted either through the State Board of Health or through the county boards in cases where there are counties that can take on this effort.

In section 6, you see a list of some of the standards that ought to be included in these permits and regulations. Overall, we think the promotion of graywater systems is a good thing for our state. It is an efficient use of our water resources, which we have very little of, and it also is something that saves energy because a lot of the energy that is used in the state of Nevada comes from the pumping of fresh water. In areas where we can reduce that amount of energy, that is a positive benefit as well.

We would ask for you to support this bill today, this final third-session compromise version, and I think this is one we can all agree will be a good step forward for the state.

Assemblyman Jones:

I understand our recycling in southern Nevada, but I did not understand the statement of "1 to 1.75 gallons." Please clarify that, because I am very happy that we do that recycling.

Andrew M. Belanger:

The Southern Nevada Water Authority uses either direct potable reuse, which we do in the western part of Las Vegas both at Desert Breeze Park and at the Northwest Water Recycling Center, or return-flow credits, which is our system of taking treated wastewater and returning it to the lake. We have rules on the Colorado River that allow us to take gallon-for-gallon all the water that we put back into the lake. Through those two resources, we are able to stretch the water supply a coefficient of 0.75 further. For every gallon, we are able to pull out 1.75 gallons of water, and so for our 300,000 acre-foot allocation on the Colorado River, that can be stretched upwards of 500,000 acre-feet. It allows us to utilize the resource much more efficiently, and that is why you will see a lot of our conservation efforts in southern Nevada focus on reducing outdoor water consumption. Outdoor water use is the water that is lost to the system; it cannot be recycled. While we encourage people to use water efficiently indoors and outdoors, most of our rebate and incentive programs like our Water Smart Pool Cover Instant Rebate and our Water Smart Landscapes Rebate program are all focused on reducing outdoor water use.

Assemblyman Gardner:

Could you describe what the benefit of using these graywater systems would be over our current system of just using potable water and why graywater would be a better use?

Kyle J. Davis:

The primary benefit to these types of systems is the efficiency that they bring when you are bringing potable water into your home, using it as fresh water,

and then taking that effluent and using that for outdoor use. Then you are reducing the need to pump that much water to your home for your outdoor use, so you get the energy efficiency savings by not using as much energy to pump that water into your home. As a result, you may end up using less water than you would use otherwise.

Assemblywoman Titus:

In my area we do not have any water systems. We all have septic systems, and we reuse our graywater because it is called a leach line so it automatically goes in that line. Just reading what your description is here, it says that "it has to stay underground; it cannot be exposed or have a covered container." Those are all called septic tanks. It seems like in the rural areas septic systems already reuse our graywater because we already give it back to the ground. Are you looking at water systems in other small communities that do not have infrastructure like you do in Las Vegas where you reuse your water? Are you using this to allow the systems in Yerington, for example, to reuse that water? Was that the real intent of this?

Andrew M. Belanger:

What this bill will allow for is, particularly in new development, the ability to double-plumb homes so that you plumb the home not just for your water but also to be able to use graywater in gardens and those areas. You would not see a lot of retrofits—practically I think it would be too hard to do that—but in new development you might have a community that wants to that has a conservation ethic and wants to show reduced-water use or recycling of that water. This could be an option that might be valuable in those places.

Assemblywoman Titus:

I think it is a great idea, especially if we go into a new golf course and you are having a new housing development in northern Nevada that can use that. I think it is a great concept, but in my own home built in 1912, it would be hard to retrofit, and my septic system is doing a good job growing my trees already.

Kyle J. Davis:

I think the concept would be in areas where you are on a septic system. I know you are saying that once it reaches that leach line, basically you are talking graywater at that point anyway. This would be if somebody wanted to do it before it hits that septic tank and capture that water from your kitchen sink and washing machines and the like, rather than having that all go through the septic system first. It is very unlikely that it would work in such a situation unless it were new construction.

Assemblyman Jones:

This bill seems so practical and a good idea, so why has it failed before?

Andrew M. Belanger:

From my perspective, the reason why it failed is we did not reach agreement on the areas where this could be done. The previous two iterations of this bill both authorized the use of graywater systems throughout the state of Nevada, so we had concerns that we were going to affect areas in Las Vegas where there was already a successful 40-plus year program and ethic related to recycled water. In past sessions we have expressed those concerns. In every single session we have presented amendments that addressed those concerns, and this bill as it is before you, includes the amendments that in previous sessions we suggested.

Assemblywoman Titus:

This is going to require a two-thirds majority vote. Why does it require that? What section is that in? Can you explain that to me?

Andrew M. Belanger:

Based on the note in section 6 and an existing statute, what I am assuming is that it has something to do with the adopting of the regulation or if there is a requirement that a fee be issued for the permit that is in NRS 439.150.

Chair Oscarson:

It has to do with the fees that would be associated with applying for a permit?

Kyle J. Davis:

Yes, it authorizes charging a fee for that permit.

Chair Oscarson:

We can get further clarification on that from the Legal Division for you, Assemblywoman Titus, if we need to.

Are there any other comments? [There were none.] I will now take testimony in opposition of A.B. 169 either here or in Las Vegas. [There was no one.] Is there any neutral testimony?

Steve K. Walker, representing Douglas County, Eureka County, Lyon County, Storey County, Carson City, and Truckee Meadows Water Authority:

All the entities I am representing are neutral on this bill. This is also the third time I have testified on this bill.

Douglas County is in support of the bill if there is an amendment, which we have conceptually put together in the last hour working with southern Nevada

entities. Let me explain its need. In areas where you would have graywater systems that are connected, usually, to small wastewater treatment facilities, those facilities have a basic chemical expectation of the influent that is going to come in through their lines that they have to treat. If, in fact, the intersection of the water from graywater systems affected both the flow and the term called TSS, total suspended solids, it would affect their ability to treat the influent at the plant.

I want this bill to pass. I am tired of this bill and so I would suggest in the amendment that we just include a requirement in applications of graywater systems that are connected with wastewater treatment facilities and not those wastewater treatment facilities that are already excluded in section 6, subsection 2, paragraph (c) that analysis of the flow and the total suspended solids be provided to ensure the influent meets the treatment parameters and requirements of the wastewater treatment facility.

I only think this would come into play when you are going to do subdivision wastewater treatment facilities, and I will remind some of the people that have been here through the sessions that that was one of the bases of this bill two sessions ago.

All I am asking in the bill under the agreement is that you include the analysis of both the flow and the total suspended solids to make sure that the wastewater treatment facility will still be operable.

Assemblywoman Benitez-Thompson:

Could you give an example of the practical application that you are speaking to so if a subdivision develops and they put in place infrastructure for graywater, what might happen before that water enters the traditional treatment system that would augment the ability to then treat it?

Steve Walker:

Yes, let us use a hypothetical: the north end of Spanish Springs Valley; a subdivision that would be connected to the wastewater treatment plant at Sparks. It is all a graywater system, but it is on the very end of the transfer system, or the conveyance system to the treatment facility. If you did not have enough flow from that system because of the diversion of graywater, you would not get the flow into the lateral—that is the line from the house—to the line in the street—that is called the interceptor—then the flow through the interceptor would never really make it to the plant. Most of your treatment would be anaerobic treatment within the actual pipe itself, and so you would need enough flow—and the engineers would have to analyze whether you have enough flow with the pipe that is at this grade—to make it to the treatment

facility. If you do not, then you would have to make some type of modification to your system.

The other problem is total suspended solids are also related to the flow. If you do not have enough flow, you cannot get the solids to move through the system. I think this only protects everybody involved; it is smart to do an analysis so you make sure you do not have a problem after the fact, and I think it fits very well within the regulations.

Chair Oscarson:

Any other testimony in neutral? In Las Vegas?

Daniel C. Fischer, Deputy General Manager, Clark County Water Reclamation District:

The Clark County Water Reclamation District collects and treats wastewater in unincorporated Clark County, and we do that with a number of treatment facilities. We have mechanical treatment plants in the Las Vegas Valley. We have Laughlin, Indian Springs, Moapa Valley, and we also have pond systems in Searchlight and Blue Diamond. As we heard Mr. Belanger talk about earlier, our plants in the Las Vegas Valley and Laughlin are not applicable to this bill because they return flows to the Colorado River system, but we are potentially nervous about some of the discussions that Mr. Walker put forward.

We believe that extensive gray use in certain areas may have a potentially negative impact on our collection system and our treatment plants, and we are particularly concerned about the outlying areas that we talked about before. We are neutral on A.B. 169, but we have put forth some suggested amended language that would extend the prohibition on the use of these graywater systems to our areas where we have mechanical treatment plants and other areas in the state where they have them ([Exhibit K](#)). For us that would be Moapa Valley and Indian Springs and there are some reasons for that. First of all, there have been substantial rate pair investments over the last ten years in both of those areas. In Indian Springs in 2005, the Nevada Division of Environmental Protection asked us to take over a failing private collection system there, and over the next few years we spent \$29 million improving the collection system and the treatment plant in Indian Springs.

Similarly and more recently, in Moapa Valley we spent \$55 million to improve the collection systems and the treatment plant, and the effort there has been mainly to protect the groundwater systems in the area. These improvements that we made have been designed and built for particular wastewater flows and characteristics. Mr. Walker talked about some of those characteristics a little bit earlier. If you remove what we will call "flushing flows" that you get from

washing machines and from showers, and all you are left with are the blackwater flows from garbage disposals and toilets, you can imagine that it is going to be much more difficult for the collection system to get that material to the plant. When the material does not move well in the collection system, what you first experience are odors. Mr. Walker talked about the anaerobic processes; that is what produces the odors.

We also see corrosion because those anaerobic processes produce hydrogen sulfide, which becomes a very strong acid when it is mixed with water. Also the blockages themselves can eventually lead to overflows, and when we see overflows, the sewage comes out of manholes and goes out in the environment. We are concerned about that.

What we are concerned about is the removal of the flushing flows that the extensive graywater use would result in. This could negatively impact the public investments that we have designed and built in these areas. Odors, corruptions, blockages, and overflows can result. If we do have to do flushing of the collection systems in order to get this material to the plant, the flushing itself can be expensive and, of course, at that point it is anti-conservation because we are using potable water to flush sewage to a wastewater treatment plant, which is counterproductive.

Mr. Walker talked about the Douglas County proposal for an amendment, and we would certainly like to work with them and with the Chairman and the proponents of this bill to define language where we could be sure that our concerns are taken care of.

Chair Oscarson:

I represent Moapa Valley and Logandale, and all those people are not hooked up to that plant, only where you have run the line, so are you saying that you want to exclude all of Moapa Valley from that process, or just those that are currently hooked up to the system you ran through there?

Daniel Fischer:

Yes, as we currently submitted some language for an amendment, that is the way it was written.

Chair Oscarson:

The way that it is written so that it would only exclude those hooked up to your system, correct?

Daniel Fischer:

That is correct.

Assemblywoman Titus:

It appears unless you already have a recycled water program as stated in the exclusions under section 6, subsection 2, you are mandating new systems have a recycled water program. In section 6, subsection 6, it says that a board of county commissioners of a county, the governing body of townships cannot opt out. Are the counties okay with this, Mr. Walker? I have some concerns that they cannot object to it.

Chair Oscarson:

I think there are some other caveats in the bill that create the statement that if they are not hooked into an existing system where those return flow credits and that flow may not occur is where it peels that off.

Joseph L. Pollock, R.E.H.S., Program Manager, Environmental Health Services, Public Health and Clinical Services, Division of Public and Behavioral Health, Department of Health and Human Services:

As far as the recycling goes for the existing systems, when we talked about it two years ago the concern was that the systems that did recycle their water should be exempted from the graywater because they get credits for that, and we were happy with that. The state has actually adopted regulations for graywater. We have had them in place since 1999, and those regulations are in place for all of the rural communities with the exception of Washoe County, Clark County, Carson City, and now Douglas County, which has partnered with Carson City Health and Human Services.

Carson City uses the same regulations that we have adopted, so those regulations also apply in Carson City and Douglas County currently. Bob Sack is here, Director of the Environmental Health Services Division, Washoe County District Health Department, and they have graywater regulations in place as well. Really this bill is geared more towards the only county that does not currently have regulations for graywater, and that is Clark County. We do not have a great demand for it; since we passed these regulations in 1999, we have had zero applicants come to us to put in a system legally, so the graywater systems that we typically see are a garden hose attached to the back of a washing machine that goes out into a tree-hole and waters that tree. That is not considered a graywater system by us, but that is graywater use per se.

The previous discussion about whether the flows in the piping are sufficient to achieve a scouring velocity to move those solids along to the end point, that is a very good discussion, and I think that it would be up to the utilities

to determine whether their systems can have that graywater component removed and still function properly. I think that is a good amendment to look at and we would be happy to work with the bill sponsor.

Chair Oscarson:

We appreciate your input and interesting history about none being done yet, but knowing Clark County is the largest county, maybe that will spur some thought process as long as it does not infringe on those return flow credits and create other unintended consequences of its action.

Joseph Pollock:

Bob Sack did inform me that Washoe County has had some applicants, and they do have some graywater systems installed; so there is some interest out there.

Chair Oscarson:

Any other questions from the Committee? [There were none.] Seeing no further testimony, I will close the hearing and open the floor to public comment. [The hearing was reopened for additional testimony from Las Vegas.] Are you under public comment or are you testifying on the bill?

Howard Watts III, Private Citizen, Las Vegas, Nevada:

I am going to testify on the bill.

Chair Oscarson:

How are you testifying?

Howard Watts:

I am testifying neutral. I have been following this issue for a bit of time and while I appreciate that this is moving the process one step forward, I wanted to take a couple of moments and explain why I am neutral on it.

I am a southern Nevada resident, and I am supplied by the Las Vegas Valley Water District, so I would not be covered under this law in terms of graywater systems being restricted. I live in an older home with a crawl space, so I can access plumbing and do some of those potential retrofits easier. As we get development and growth back going on down here it would be nice to see some of those measures for people to be able to divert graywater for use on their lawns. It is not a huge issue, but it is something that I wish that we could have the freedom to do. I do not want to oppose because I know how important this is, but I cannot go on the record in support knowing that 60 percent of the population is going to be left behind as this moves forward. I find it ironic that this is the point that we have come to when Mr. Belanger's own agency actually advocates using not a graywater system but graywater collection.

From my most recent water bill insert is a sheet which encourages using a shower bucket to catch shower water and then using it to water plants or to flush the toilet. It encourages you to collect sink water, water from rinsing your pasta, and to reuse those supplies, so I wish that we could also be able to systemize that because right now anything that is collected I am forced, as a rate payer, to recycle by paying to have my water go down the drain, get treated, get retreated, than pumped back to me.

I just wanted to put my testimony on the record, and I appreciate your time.

Chair Oscarson:

Seeing no further testimony I will close the hearing and open the meeting for public comment. Seeing no public comment from Las Vegas or Carson City, this meeting is adjourned [at 3:34 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Weyhe
Committee Secretary

APPROVED BY:

Assemblyman James Oscarson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 9, 2015

Time of Meeting: 1:34 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 152	C	Assemblyman Nelson Araujo	Proposed Amendment
A.B. 152	D	Assemblyman Nelson Araujo	Additional Cosponsor List
A.B. 152	E	Denise Tanata Ashby, Children's Advocacy Alliance	Written Testimony
A.B. 152	F	Denise Tanata Ashby, Children's Advocacy Alliance	NAC 2013 Provider Survey Responses & Recommendations
A.B. 152	G	Denise Tanata Ashby, Children's Advocacy Alliance	Achieving a State of Healthy Weight Report
A.B. 152	H	Nicole Williams Bungum, Office of Disease Prevention and Health Promotion, Southern Nevada Health District	Written Testimony
A.B. 152	I	Paula Berkley, Food Bank of Northern Nevada	Written Testimony
A.B. 169	J	Andrew M. Belanger, Las Vegas Valley Water District	Proposed Amendments
A.B. 169	K	Daniel C. Fischer, Clark County Water Reclamation District	Written Testimony