

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING**

**Eightieth Session
March 25, 2019**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 12:48 p.m. on Monday, March 25, 2019, behind the bar of the Assembly, 401 South Carson Street, Carson City, 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/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Maggie Carlton
Assemblyman John Ellison
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Sarah Peters
Assemblywoman Robin L. Titus
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Patricia Demsky, Committee Manager
Nancy Davis, Committee Secretary
Alejandra Medina, Committee Assistant



OTHERS PRESENT:

Tyler Turnipseed, Chief Game Warden, Department of Wildlife
Chaunsey Chau-Duong, Public Affairs, representing Southern Nevada Water
Authority and Las Vegas Valley Water District
Kyle Roerink, Executive Director, Great Basin Water Network
Will Adler, representing Pyramid Lake Paiute Tribe
Ernest E. Adler, representing Pyramid Lake Paiute Tribe
Cassandra Rivas, Legislative Chair, Toiyabe Chapter, Sierra Club
Christi Cabrera, representing Nevada Conservation League
Joshua Hicks, representing Nevada Home Builders Association
David Cherry, Government Affairs Manager, City of Henderson
Steve Walker, representing Eureka County
Robert Mergell, Administrator, Division of State Parks, State Department of
Conservation and Natural Resources
Tim Wilson, Acting State Engineer and Administrator, Division of Water Resources,
State Department of Conservation and Natural Resources
Tony Yarbrough, Senior Vice Commander, Department of Nevada, Veterans of
Foreign Wars of the United States

Chair Swank:

[Roll was taken.] We have four bill draft requests (BDRs) to introduce. I will start with BDR 45-904.

BDR 45-904—Revises provisions relating to trapping. (Later introduced as [Assembly Bill 473](#).)

Jann Stinnesbeck, Committee Policy Analyst:

Bill Draft Request 45-904 revises provisions relating to trapping.

Chair Swank:

I will entertain a motion.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED FOR COMMITTEE
INTRODUCTION OF BILL DRAFT REQUEST 45-904.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ASSEFA AND FUMO
VOTED NO.)

Up next is BDR R-506.

BDR R-506—Expresses the opposition of the Nevada Legislature to the elimination of the Nevada State Office of the Bureau of Land Management. (Later introduced as [Assembly Joint Resolution 8.](#))

Jann Stinnesbeck, Committee Policy Analyst:

Bill Draft Request R-506 expresses the opposition of the Nevada Legislature to the elimination of the Nevada State Office of the Bureau of Land Management.

Chair Swank:

I will entertain a motion.

ASSEMBLYWOMAN CARLTON MOVED FOR COMMITTEE
INTRODUCTION OF BILL DRAFT REQUEST R-506.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Up next is BDR R-1099.

BDR R-1099—Expresses the opposition of the Nevada Legislature to the proposed expansion of the Fallon Range Training Complex. (Later introduced as [Assembly Joint Resolution 7.](#))

Jann Stinnesbeck, Committee Policy Analyst:

Bill Draft Request R-1099 expresses the opposition of the Nevada Legislature to the proposed expansion of the Fallon Range Training Complex.

Chair Swank:

Do I have a motion?

ASSEMBLYWOMAN PETERS MOVED FOR COMMITTEE
INTRODUCTION OF BILL DRAFT REQUEST R-1099.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Our last one is BDR 45-902.

BDR 45-902—Revises provisions relating to wildlife. (Later introduced as [Assembly Bill 474.](#))

Jann Stinnesbeck, Committee Policy Analyst:

Bill Draft Request 45-902 revises provisions relating to wildlife.

Chair Swank:

I will entertain a motion.

ASSEMBLYWOMAN CARLTON MOVED FOR COMMITTEE
INTRODUCTION OF BILL DRAFT REQUEST 45-902.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

This meeting is in recess [at 12:50 p.m.].

[The meeting reconvened in Room 3138 at 4:02 p.m.]

Chair Swank:

[Rules and protocol reviewed.] I will begin with the introduction of bill draft request (BDR)
BDR 50-903.

BDR 50-903—Enacts provisions relating to the importation, possession, sale, transfer and
breeding of dangerous wild animals. (Later introduced as [Assembly Bill 479](#).)

Jann Stinnesbeck, Committee Policy Analyst:

Bill Draft Request 50-903 enacts provisions relating to the importation, possession, sale,
transfer, and breeding of dangerous wild animals.

Chair Swank:

I will entertain a motion.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED FOR COMMITTEE
INTRODUCTION OF BILL DRAFT REQUEST 50-903.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ASSEFA AND CARLTON
WERE ABSENT FOR THE VOTE.)

I will now open the work session on [Assembly Bill 83](#).

[Assembly Bill 83](#): Makes various changes to provisions governing wildlife.
(BDR 45-210)

Jann Stinnesbeck, Committee Policy Analyst:

[Assembly Bill 83](#) was heard in this Committee on February 13, 2019, and was brought forth
on behalf of the Department of Wildlife (NDOW). This bill makes various changes

concerning the administration and enforcement of wildlife provisions in Nevada law ([Exhibit C](#)). Among other things, this bill:

- Expands the authority of an employee of NDOW to take wildlife if doing so in the interest of public safety;
- Adds moose to the list of protected animals that can only be hunted during certain times and with a tag;
- Deletes the provision under which a person may intentionally kill certain game animals when necessary to protect the person's property;
- Makes it unlawful to engage in harassment of game animals by any means, including with a firearm, horse, light, or noisemaker, or the use of a manned or unmanned aircraft; and
- Clarifies that the prohibition against placing or setting a trap, snare, or similar device within 200 feet of any public road or highway within this state does not apply to an employee or agent of NDOW.

There is one amendment to this bill proposed by NDOW [page 2, [Exhibit C](#)]. It provides that certain animals may not be killed through the use of a manned or unmanned aircraft or helicopter. It allows for the killing of an animal if it is necessary to protect the life of livestock or a pet in imminent danger of being attacked by the animal. It removes that animals may not be harassed by light.

Chair Swank:

I will take a motion to amend and do pass [A.B. 83](#).

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND DO PASS [ASSEMBLY BILL 83](#).

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Titus:

I would like some clarification on the amendment regarding the manned or unmanned aircraft or helicopter. That will not exclude a government hunter from using airplanes that we use currently for predator control, correct?

Tyler Turnipseed, Chief Game Warden, Department of Wildlife:

That it correct; this would not affect that at all. This statute deals only with big game, whereas the government planes deal with coyotes and unprotected wildlife.

Chair Swank:

Is there any further discussion on the motion? As someone who loves history, I would like to mention that almost 102 years ago, to the day, on March 24, 1917, the Nevada Legislature made it a felony to kill an elk. You could not have the hide or the meat in your possession. If you were found with the hide or meat, you could be sentenced to two years in prison. We now have an excellent elk hunting season that is allowed through an annual quota. We are hopeful that our moose will move along that same route that we saw with the elk. With that, we will vote on A.B. 83.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

Tyler Turnipseed:

As another bit of historical trivia, the earliest reference we can find to the Office of the Nevada State Game Warden is also in 1917. We celebrated our centennial two years ago.

Chair Swank:

I will take the floor statement on Assembly Bill 83. We will now open the hearing on Assembly Bill 163.

Assembly Bill 163: Revises provisions governing water conservation. (BDR 48-798)

Assemblyman Howard Watts, Assembly District No. 15:

Assembly Bill 163 does two main things in relation to water conservation: First, it requires suppliers of water to include water loss information in their plans of water conservation. Second, it provides that certain plumbing fixtures used in new construction, expansions, and renovations must meet conservation requirements and be certified under the WaterSense program of the Environmental Protection Agency (EPA).

I would like to provide a little background on the need for this bill, and then I will walk the Committee through the substantive sections.

As we have heard several times throughout the session in this Committee, Nevada is the driest state in the nation. While there are things that we disagree on when it comes to the management of water, I hope we can all agree that water conservation should be a priority. However, we could be doing more to ensure we conserve our most precious natural resource.

First of all, water loss control is a key conservation strategy to reduce water waste for improved water supply across Nevada. As we often hear, you cannot manage what you do not measure and right now, many water suppliers in Nevada do not measure, report, or provide transparent plans to reduce unnecessary loss or waste of water from their systems.

Water loss audits on a system provide necessary information that can reduce waste, improve infrastructure durability, prevent property damage, and even potentially delay the need to develop additional water resources. That all ultimately means cost savings, sometimes to the

taxpayers and the customers of that supplier of water. This bill requires that water loss audits be performed and reported in the conservation plans these entities are already required to submit every five years.

Additionally, it makes sense to require that plumbing fixtures meet certain water conservation standards. The EPA has developed a certification program called WaterSense for water-efficient fixtures. This program is projected to have saved 2.7 trillion gallons of water nationwide since 2006, and there are now more than 27,000 certified products. This bill requires that faucets, showers, toilets, and urinals installed in buildings built or renovated in Nevada on or after January 1, 2020, must be certified under the WaterSense program. Any existing structure or portion of a structure that is not under renovation or expansion is not required to replace fixtures to meet this standard.

I will now walk you quickly through the bill. There are two amendments to the bill. I am pleased to report that one submitted by the State Department of Conservation and Natural Resources (DCNR) will remove the fiscal note on the bill ([Exhibit D](#)). It was not my intention to capture our state parks and other campgrounds under the water audit provisions. I have also submitted an amendment that I will go through as I walk you through the bill ([Exhibit E](#)).

Sections 1 and 2 of the bill require that each supplier of water in the state include the results of a water loss audit with their plan of water conservation. The audit must be conducted in accordance with the readily available methodology and software of the American Water Works Association (AWWA). I learned that this methodology is suited for suppliers with more than 3,300 customers; my amendment creates a separate, simpler requirement for smaller systems to calculate the water delivered and the water billed. The difference between those two is the water loss. We have also clarified the language from leakage to loss, which aligns with the intent of the bill. Leakage is just one form of water loss.

Water suppliers are also required to submit—with every five-year update to their plan of water conservation—a comparison of the results of their latest and previous water loss audits and an analysis of progress made towards the goals set forth in their plan for acceptable water loss.

Section 3 requires that goals, analysis, and a plan for acceptable water leakage must be included in the plan and sets forth the types of performance indicators that may be utilized. The indicators are not limited to the measures in the bill. This helps to set guidelines for where folks should head.

My proposed amendment ([Exhibit E](#)) adds two sections to the bill to capture water suppliers that are regulated as utilities by the Public Utilities Commission [of Nevada] (PUC) under this framework. They were missed in the original bill, and I want to make sure these standards apply to all suppliers of water, whether they submit their information to DCNR or they are submitting it to the PUC.

Section 4 requires that residential, commercial, and industrial structures built, expanded, or renovated on or after January 1, 2020, may only install faucets, showers, toilets, or urinals certified by the EPA's WaterSense program.

Section 5 requires the same of the public buildings, except for prisons or jails, that are built, expanded, or renovated on or after January 1, 2020.

Sections 6 and 7 provide the same requirements for manufactured buildings or mobile homes constructed on or after January 1, 2020.

Section 8 provides that the bill will become effective on January 1, 2020, except for the purposes of adopting regulations and other administrative tasks, which will be effective upon passage and approval.

I also want to note briefly that I have been meeting with the stakeholders including homebuilders about these provisions related to the efficiency of fixtures. We are working to see if there is some language to ease their concerns, especially around the concept that a future increase in the EPA WaterSense standards for certifying fixtures would lead to a sudden inventory issue for the construction industry. I would like to make clear on the record that the intent of this bill is not to do that. If WaterSense begins to only certify at higher standards, my intent is that anything that has been certified up to that point would remain completely valid. That would allow the gradual phasing as our efficiency improves, and when the older devices are no longer manufactured, then the new standard would be adopted. I appreciate their reaching out and will continue to try and reach a mutually agreeable language.

I urge your support of A.B. 163 to help Nevada conserve its most precious resource. This concludes my presentation, and I am happy to answer any questions.

Assemblyman Wheeler:

Has there been a study done on the extra costs that will be passed down to the consumer when building new homes?

Assemblyman Watts:

I do not have exact figures on that. What I can tell you, for example, is that in southern Nevada, most of the builders who are doing new construction or renovations are already using these standards, or at least the vast majority of them. I would project the cost to be relatively minimal. One of my big goals with this bill is to put everyone on an even playing field. We have so many different communities with so many different sources of water, but I want to ensure that when it comes to building new buildings and doing renovations, it will be done to the best possible standards. When it comes to looking at water loss in our distribution systems, everyone should be on an even playing field.

Assemblywoman Peters:

Section 3, subsection 1, paragraph (c), subparagraph (1), sub-subparagraph (V), states "Economic level of leakage." What is intended by that language?

Assemblyman Watts:

These are terms that are used by AWWA in their methodology and software for computing water loss. To the best of my ability to explain economic level of leakage, it is essentially taking a variety of data points and factors into consideration to figure out what level of leakage it makes sense to correct to. We would love all of our water distribution systems to be lossless, but there are certain points at which the work that needs to be done to reduce water loss is not viable. The economic level of leakage is attempting to quantify that. Again, there are various data points that are used to calculate that figure. I do not have them with me, but I could provide them to you.

Assemblywoman Peters:

I am curious to see that because one of the loss components of an economic equation is often intrinsic costs. As a community in the state of Nevada, we are water-limited. The economic loss of water with relationship to social stresses and the other aspects of water, the lack of water availability, can be pretty significant and disproportionately impact marginalized communities. I would be interested in following up with AWWA about what they use in their scope and maybe adding a section or a portion of that into consideration for those economic losses.

Assemblyman Watts:

I would be happy to follow up with the information. As we know, looking into some of those deeper social costs can be pretty complicated, but I agree that it is something that we should be taking into consideration.

Assemblywoman Titus:

I appreciate what you are trying to do in our very arid state. Thank you for acknowledging and putting in a date when this would potentially start. I live in a home that was built in 1912 that initially had outdoor plumbing. Although I have modernized a little bit, I do have some fixtures that certainly will not be up to this standard. My concern is if I renovate again, would I then be held to maybe put in not the time-period fixtures that I would like to use. Would I be obligated to put in new fixtures?

Assemblyman Watts:

If you are doing a permitted substantial renovation of work, this would apply. If you are doing some retooling on your own, then you would not have to update the fixtures.

Assemblywoman Titus:

I am concerned about those of us who live with a septic tank. There are no community water systems in my area. There are many neighborhoods in Nevada that do not live on a public utility program where they have waste programs. We are all dependent on our toilets flushing adequately and the sewage going down—there is a certain amount of pressure that is

required to make that happen. I am concerned about some of these low water-pressure valves and septic systems. Are you familiar with any problems they have with the new fixtures, especially if you are on a septic system?

Assemblyman Watts:

I am not aware of those issues. I do know that there are some models of fixtures that go above and beyond these efficiency requirements. I have heard previously of potential concerns both to septic systems and also municipal wastewater systems of having adequate flow to maintain the systems. With over 27,000 fixtures already certified, they are becoming more prevalent. It is about updating our state standards to match where the market is going and to ensure that everyone is following the best practice. To the best of my knowledge, I do not think this would have a substantial impact.

Assemblywoman Titus:

Do you know how many states have initiated this type of program? Are they all subject to the same standards of the WaterSense program? Is this a monopoly? Is there a charge for getting certified?

Assemblyman Watts:

One of the things in the bill is that it also includes any successor program. If EPA were to stop the WaterSense program for any reason and another program becomes the main way of certifying water-efficient fixtures, then we could use that. As far as the exact process for certification, I do not know all the details of that. Over the last ten-plus years, the program has seen increased growth year over year on the number of fixtures that are being certified. There are also companies and partners that are being certified. It does not seem to be an issue with there being a crunch on what is getting approved as far as water-efficient fixtures.

Assemblywoman Titus:

I just want to make sure that there is an open market for that. If folks feel they have a very efficient fixture, but that fixture does not get certified—I am wondering how this is all happening in the free world.

Chair Swank:

I would like to follow up on the old houses question. I will be honest, there was a time in my life when I had five vintage toilets in my backyard that have gone into various homes in order to be time-period appropriate. There are a good number of people who often will post on Facebook, for example, that there is a pink toilet on some street and someone will go pick it up and use it. I think that is a good idea as far as historic preservation goes. I am wondering how this will work. Some of these renovations are very significant. Trying to find a water-efficient pink or yellow toilet is not necessarily an easy thing to do.

Assemblyman Watts:

I appreciate that, it is a good point. I would be happy to work with you or any other stakeholders related to historic preservation to ensure we can do that properly and not create undue issues.

Assemblyman Ellison:

At first I thought you were just trying to stay inside the homes. This calls for a plan from any water supplier. This could be Elko, Reno, or Las Vegas that would have to comply with this water audit. Is that correct?

Assemblyman Watts:

The bill has two separate components. One is around the requirements for the fixtures that have to be in any new construction or major renovation. The other piece has to do with the suppliers of water, which include cities or any other utility or water supplier. They already have to submit a plan for water conservation either to the DCNR or to the PUC on a regular basis. That plan is already required to have some information around water leakage and loss, but it is not very clear. This bill adds some clarity in terms of ensuring that there is some hard data. The larger systems provide a full audit and set goals to reduce their water losses.

Assemblyman Ellison:

Another issue that I see is pit lake evaporation and dewatering from the mines, which changes continuously. That is a large amount of water. I know that the mines have to go through water permitting, but this might create a problem. Also, most manufactured homes are not built in Nevada; they are built out of state. If the manufacturer sells these homes to dealers in Nevada, does that mean the dealer would have to pull out the fixtures and change them?

Assemblyman Watts:

I will address your second question first. You laid out correctly that this would only apply to the construction of those homes. This bill does not relate directly to the sale of homes. We cannot regulate interstate commerce, so anything that someone acquired somewhere else is going to have whatever it has on it. Anything that is constructed here will be subject to these standards. Will you repeat the first part of your question?

Assemblyman Ellison:

I was wondering about the evaporation in pit lakes and dewatering in mining.

Assemblyman Watts:

I will let the Division of Water Resources, State Department of Conservation and Natural Resources speak to that. I know some of those permits for dewatering are temporary in nature. I am not sure those are covered as suppliers of water. My belief is that they would not be affected by the water supplier portion of the bill, but I will let the experts talk about that.

Assemblywoman Peters:

I am wondering about exempting prisons and jails from the provisions of section 5. Do you have the history on that?

Assemblyman Watts:

As far as I understand, they use customized fixtures because those facilities have high security requirements and need to ensure that nothing can be taken and used as a weapon. They have very specific specifications that they use. I think that was why those fixtures were moved out of some of these standards to let them use whatever particular fixtures they have determined can be useful for safety. While we are on the topic of history, I would like to note that if you look in the bill and some of the previous legislation, the last time we updated these standards was in the 1990s, and they are at the federal minimum. There are a few other states that have taken steps to go to this higher level and we would be joining them. Again, I think for being the driest state in the country, we should aim a little higher than the minimums that were established more than 20 years ago.

Assemblywoman Peters:

That brings to mind some of our hospitals that deal with mental health issues and may also need to have some different fixtures that may not meet these qualifications. Is there a provision for that?

Assemblyman Watts:

If they do not qualify as a prison or jail, then it is not covered under this current language. I have not heard that there is an issue with that; however, if there is one, I am happy to work on language to ensure that those other institutions are not impacted.

Assemblywoman Hansen:

What other states currently have this higher standard?

Assemblyman Watts:

I will have to follow up with you to get you a comprehensive list. Two that I can think of are Colorado and California. I believe there are a couple of others as well.

Assemblywoman Hansen:

I know, through our plumbing business, that one of the main factors in water loss is a running toilet. Do you have any materials that show us what water we can conserve with the low-flow fixtures? I know that we see myriad issues not related to those savings, but running toilets, a broken pipe underground, an irrigation system, or a break in a main water line are bigger water loss issues. A homeowner is not even aware of the problem until they get their water bill or maybe it is insidious and, for example, Truckee Meadows Water Authority sends out a notice to alert the homeowner that there is a problem. Those major water losses over time can be very big versus what are we saving with the water-efficient devices.

Assemblyman Watts:

I will have to look at the current standards and the WaterSense standards and, essentially, whatever that fraction is, that is how much we could reduce the water for the period that the leak is ongoing. I also want to differentiate between what you are talking about, which is water loss and leakage in the home and the system-wide water loss, which is basically what happens during the process of delivery of that water. Thankfully, we have some utility

companies that are very good at working with customers that have those rather large and sudden leaks—if the water is billed, that is essentially considered the consumer's problem, and it needs to be fixed. The provisions of this bill deal with water loss within that distribution system. You will probably hear from some of those providers, but those losses can be substantial. When you are talking about a large metropolitan area, the difference between a 5 percent water loss and a 6 percent water loss is thousands upon thousands of gallons of water. That is what this bill is looking to address, but the fixture provisions would address some of the indoor leakage issues that you are talking about.

Chair Swank:

Are there any further questions? [There were none.] I will ask anyone who would like to testify in support to please come forward.

Chaunsey Chau-Duong, Public Affairs, representing Southern Nevada Water Authority and Las Vegas Valley Water District:

As the organization that supplies water to more than 70 percent of the state's population using less than 5 percent of the state's water supply, we are supportive of A.B. 163 put forth by Assemblyman Watts.

Our organization has an active asset management program, and we continually review and modify the infrastructure to determine and prevent water loss. Based on our work, the EPA has rated the infrastructure in southern Nevada to have water loss that is three times lower than the national average. In addition, the AWWA has an infrastructure leakage index that ranks water systems on a scale of 1.0, which is an optimal, world-class water system, to 8.0, which is not an effective utilization of water. The water system in southern Nevada is ranked as a 1.51, which means we are among the best water systems in the United States.

In addition, our organization has put a lot of effort into conservation. The Southern Nevada Water Authority's conservation initiatives such as the Water Smart Landscapes rebate program, where customers receive rebates for removing turf, and our Water Efficient Technologies program, which offers financial incentives to commercial and multifamily property owners who install water-efficient devices and technologies that have helped save over 119 billion gallons of water to date. Between 2002 and 2017, southern Nevada's per capita water usage fell by 36 percent while our population increased by 660,000 residents.

Although our community has done an excellent job in managing and reducing water consumption, we know that conservation should continually be at the forefront of our community's mindset, and that is why we are supportive of this bill.

Kyle Roerink, Executive Director, Great Basin Water Network:

This pragmatic bill recognizes the symbiotic nature between water sources, water infrastructure, water purveyors, and water users. That nexus of use plays an important role for the sustainability of our water sources. For example, less strain and demand on the Colorado River equals less strain and demand on other sources in the state. This bill recognizes the savings in every turn of a faucet and flush of a toilet. The bill also recognizes

the great distances that water travels in order for humans to consume. We want to thank the bill's sponsor, the Chair, and other cosponsors for their work on this legislation.

Will Adler, representing Pyramid Lake Paiute Tribe:

After hearing Assemblyman Watts present this bill, I have a greater understanding of it now, and I agree that all systems do leak. Pipelines and everything else have leakage built into their models because nothing is perfect in this world. We should always strive for greater conservation when possible in Nevada. We are a dry state and every loss is a loss we cannot afford in Nevada. We support the bill.

Ernest E. Adler, representing Pyramid Lake Paiute Tribe:

This is an interesting bill because in 1989 I sponsored the first water conservation bill. Many people will be surprised, but the biggest supporter of it was the Southern Nevada Water Authority, which was kind of in the forefront of water conservation. We strongly support this bill because water conservation has always been important to Nevada. When I was in the Assembly in the late 1980s, Carson City did a water audit. They were losing approximately one-third of their water, which was leaking out onto the streets. They were losing a huge amount of resources. They finally got that fixed and are losing very little. Water audits are very important. Any water conserved is water not used.

Cassandra Rivas, Legislative Chair, Toiyabe Chapter, Sierra Club:

On behalf of more than 30,000 Sierra Club members and supporters in Nevada, the Toiyabe Chapter is grateful for your leadership and in introducing and considering A.B. 163, which we strongly support. [She continued to read from prepared testimony, ([Exhibit F](#)).] The first step for the nation's driest state is to finally start recognizing that our water future depends on conservation and innovation efforts such as this one. In addition to limited water resources that come with living in the desert climate, climate change is already compounding this issue by limiting both surface and groundwater supplies in our state. This trend is only going to continue as our earth continues to warm. As mentioned earlier, this bill requires the much-needed indoor water conservation in new homes and buildings as well as those being renovated or expanded. This will help reduce consumption through practical approaches by requiring the use of water-efficient fixtures, which are currently available to the public. We applaud and thank the bill sponsor, Assemblyman Watts, and cosponsors for introducing this legislation. Considering our water limitations in this state and the effects of climate change, a sustainable water future does depend on conserving this precious resource through legislation this session.

Christi Cabrera, representing Nevada Conservation League:

The Nevada Conservation League is in support of A.B. 163. Nevada is the driest state in the union and we need to use the limited resources that we have in the most responsible fashion so that there is still enough water for plants, wildlife, rivers, and all of those great things. We strongly support this measure and are very appreciative to Assemblyman Watts for bringing this forward.

Chair Swank:

Is there anyone else in support of A.B. 163? [There was no one.] Is there anyone who would like to testify in opposition?

Joshua Hicks, representing Nevada Home Builders Association:

The Nevada Home Builders Association is a combination of the Southern Nevada Home Builders Association and the Builders Association of Northern Nevada. Our concern with the bill is section 4, which is the WaterSense piece that is applicable to new construction. I do want to thank Assemblyman Watts, as we have talked with him and I remain hopeful that we will have something worked out soon. We do have two concerns. Assemblyman Watts alluded to one during his testimony, which had to do with some kind of grace period if the WaterSense standards are changed. Those are standards that are set by the EPA, so once we are tied to those, if the EPA changes those standards, they automatically become the new standards. Our concerns are if a project or development was planned and ready to be built, we would not want to have a situation where we had a bunch of items on inventory that would not be usable. Assemblyman Watts has been very helpful and I think we can work something out on some kind of ramp-up period. The other concern is trying to make sure we understand how this might apply, particularly to showers in master bathrooms, in new developments. It is very popular to have rainhead showers, body sprays, et cetera. We want to make sure we fully understand what this is going to mean because we are changing from a statutory standard to a WaterSense standard. We will continue to work with Assemblyman Watts and hopefully come back with something that works for our industry.

Chair Swank:

Is there anyone else to testify in opposition? [There was no one.] Is there anyone who would like to testify in neutral?

David Cherry, Government Affairs Manager, City of Henderson:

The City of Henderson is neutral on this legislation, but I thought it would be important to share a little information about what our experience has been as we make a move to retrofit some of our older buildings with low-flow devices and other water-saving devices on the infrastructure. Just something to keep in mind from a policy standpoint: what we have experienced is that the lower the flow, the more corrosion we are seeing in our pipes. We have had to do some replacement of our equipment much sooner than we had previously anticipated. Most severe was when we tried some of the ultra-low-flow, or no-water urinal systems and we found that we were experiencing corrosion and loss of pipes within a year's time. As you consider this policy and talk about the potential of the ramp-up period, you might take into consideration some of those retrofit situations, ensuring there is enough time for us to do replacements on the infrastructure that would go along with the new devices. We are experiencing great water savings and are proud to be part of the coalition of entities that are helping save all of the water that Southern Nevada Water Authority talked about. We recognize there is an important goal to be achieved here.

Steve Walker, representing Eureka County:

Eureka County was initially opposed to the bill because we have a very small water system. Water systems like Southern Nevada Water Authority and Truckee Meadows Water Authority are not comparable to the Crescent Valley Water Department in northern Eureka County. I am speaking in neutral because I really want to thank the bill's sponsor for how willing he was to work with us, put in the amendments, and recognize the differences in these very small purveyed systems.

Robert Mergell, Administrator, Division of State Parks, State Department of Conservation and Natural Resources:

The Division of State Parks, State Department of Conservation and Natural Resources, is neutral on A.B. 163, but has submitted a clarifying amendment ([Exhibit D](#)). As introduced, Assembly Bill 163, would inadvertently place a significant burden on the Division of State Parks. As written, the bill applies to small transient water systems, a multitude of which are located in our state parks. The Division already has effective methods in place to identify and address leaks within the parks water system. It is the Division's understanding that the intent of the bill was to address unidentified leaks in large municipal water systems; therefore, the Division is requesting an amendment to the bill to exclude transient water systems. Specifically, the Division is requesting additional language in section 1 and adding a subsection 3 to read: "The provisions of this section do not apply to a water system designated as a transient water system pursuant to" *Nevada Revised Statutes* 445A.848.

Tim Wilson, Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources:

The Division of Water Resources is neutral on A.B. 163. The Division supports the intent of A.B. 163, which in short requires water purveyors to take the proactive steps to conserve the waters of Nevada. The bill adds requirements to water conservation plans that the Division currently reviews. There will be some additional work placed on the Division, however, if the Legislature approves our three water planning positions as proposed in our Division's budget, we believe the extra work required to review the plans can be absorbed. The Division supports the amendment offered by the Division of State Parks ([Exhibit D](#)), which excludes minor users of water, such as water truck-filling stations, recreational parks, campgrounds, and restaurants that supply their own water to the public and are considered transient water systems. We have an additional concern in section 1, subsection 2, paragraph (b), regarding the goals for acceptable water leakage or loss. The amendment by Assemblyman Watts ([Exhibit E](#)) may address this concern, but it does not appear there is a clear definition of acceptable water leakage or loss such as a specific percentage. This may cause some inconsistencies in the plans presented to our office if there is no clear standard.

Chair Swank:

Is there anyone else who would like to testify in neutral? [There was no one.] Assemblyman Watts, do you have some closing remarks?

Assemblyman Watts:

I would like to thank all of the stakeholders who have reached out to workshop this language and get it most of the way there. Again, just to be extremely clear for the record, the amendment proposed by the Division of State Parks is friendly and will remove the fiscal note that they submitted. I think we can get there and take a step forward to continue our state's leadership when it comes to water conservation and the smart use of what is our most precious natural resource. Any other stakeholders who have not reached out, please follow up with me. I will provide any information that the Committee has asked for, and I will work out any issues we have with the bill.

Chair Swank:

I will now close the hearing on A.B. 163. [Also received but not mentioned are ([Exhibit G](#)) and ([Exhibit H](#)).] I will open the hearing on Assembly Bill 171.

Assembly Bill 171: Expands veterans who may receive free admission to state parks and other recreational areas. (BDR 35-4)

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:

It is my pleasure to present Assembly Bill 171 to you today. This bill expands the number of veterans who may receive free admission to state parks and other recreation areas. That was the original intent. Last week we honored our service members during Veterans and Military Day at the Legislature. Many of you were able to meet veterans from around our state who served our country during both times of war and peace. The people of Nevada and this body cherish the men and women who have served our country, and we honor the many sacrifices they have made to keep us safe. This is why every session we consider and enact legislation that aims to give back to veterans and their families.

This bill attempts to honor our veterans by making it easier for more of them to enjoy our amazing state parks. From Sand Harbor at Lake Tahoe to the Valley of Fire in the Mojave Desert, Nevada has truly unique and beautiful state parks. Two weekends ago I was at the Walker River State Recreation Area with my family—it really is remarkable. Under this bill and my proposed amendment, more veterans would be able to enjoy the many natural, historic, and cultural wonders that this state offers.

I will now discuss the bill and my proposed amendment ([Exhibit I](#)). Currently, honorably discharged Nevada veterans with a permanent service-connected disability of 10 percent or more can apply for an annual permit for free use of state parks and recreation areas. The bill, as introduced, was hoping to extend that free permit to all veterans who are Nevada residents, whether they have a service-connected disability or not. After much discussion with the Division of State Parks, State Department of Conservation and Natural Resources, we realized that would have a very significant fiscal impact. We decided instead, to amend the bill to reduce the fee for veterans to enter a park by at least \$2. Most of the parks in our state are \$5 for entry. Some of them are \$10, and some of them are \$3. We are using a \$2 reduction. The original language of this bill would have had a severe fiscal impact, so we

came up with the amendment to avoid the fiscal impact and ensure we could make this happen for our veterans. I am happy to answer any questions.

Assemblywoman Peters:

My husband is a veteran and he gets solace from being out in our open spaces. I understand the implications of a fiscal impact, but I also do not think you can quantify how much our veterans have given to us and allowing us to provide these spaces of importance to their families and to their own mental health and well-being. I just want to put on the record that our veterans deserve the most. My husband still has not been assessed for disability, it is not something that a lot of veterans pursue because of honor. I think it is important for us to acknowledge how much they mean to our communities and how much that open space and the availability of those parks, especially toward our disabled veterans regardless of their assessed disability, means to them.

Assemblywoman Bilbray-Axelrod:

Thank you for bringing that up. To be honest, I was heartbroken; this was one of my first bills and I was very excited about it until the fiscal note came back as large as it was. This is a stepping-off point; we can come back and revisit it. There is nothing I would not do for our state veterans.

Assemblywoman Peters:

A lot of our veterans who enjoy our open spaces in Nevada are also members of conservation groups. We should take into consideration how much conservation groups add to the viability of our open spaces and how much that also means.

Assemblyman Ellison:

We have almost identical bills. Mine [[Assembly Bill 188](#)] was for veterans with 10 percent disability, but we could not get the paperwork through to the percentage of the disability, whether it was 5 percent, 10 percent, or 100 percent. We have been dealing with this for months trying to get this done. The 10 percent disability would have kept that fiscal note down to where I think it could have been financially feasible to everyone. I see where you are going, and I am 1,000 percent behind our veterans; I just think this is going to be a large nut to fry for the Division of State Parks and all the veterans. I hope they can figure out a way to make this work. I have been working on this until I turned gray.

Chair Swank:

I will open up for anyone who would like to testify in support.

Christi Cabrera, representing Nevada Conservation League:

We are in support of [A.B. 171](#). We applaud any efforts to make our state parks more accessible, especially to our veterans who have given so much for our country. We believe that everyone should have access to state parks and be able to enjoy the beauty and solitude that they provide. We are appreciative of this measure being brought forward and we urge your support.

Tony Yarbrough, Senior Vice Commander, Department of Nevada, Veterans of Foreign Wars of the United States:

I represent nearly 9,000 members of the Veterans of Foreign Wars in the state of Nevada. I also represent close to 500,000 members of the United Veterans Legislative Council (UVLC) as their chairman. The UVLC is an organization of all the veteran organizations throughout the state of Nevada. That includes all veterans, active duty military, National Guard, families, and advocates, including many of those seated behind me. I am sure that many of you have veterans in your family history and may have direct experience of active duty military service. As we move forward, please remember them—the family sacrifices, the commitment to serve our country, and how proudly you support them. All we want to do is the best for them. I initially and somewhat still am in favor of A.B. 171 because I have had first-hand experience in trying to get into the parks and go through the process. I was texted this morning by a veteran who has been telling me his sad story of all the red tape he has to go through in order to get into the parks and the process he has to go through. If it was an easy process, I probably would not hear about it, but when you have to go through the process of providing standard disability information that you get from the U.S. Department of Veterans Affairs (VA), your Certificate of Release or Discharge from Active Duty, the DD Form 214, and proof that you are eligible to do this, and then pay an annual fee, that racks up to some serious money. The annual permit from the Division of State Parks is \$30 a year. That may not sound like much to some of you, but for some people who are on fixed incomes with very limited means, that is a lot of money. From the veterans' perspective, I think we could do a better job. We are willing to take whatever we can get, and I recognize that the fiscal note was kind of horrendous. If we can find a way to chop that down and make this work, that is exactly what we want to do. We are looking forward to this bill going through and finding a way to amend it so that we can actually make it more accessible for our veterans in our beautiful parks and areas. Please remember, all we ask is your support in finding the best possible outcome for our veterans, military, and families.

Assemblyman Ellison:

One of the problems we have been running into is the Health Insurance Portability and Accountability Act (HIPAA) law that falls into this when we are trying to get the information from the VA. I do not know if you can figure out a way to do it, but if you have a disability, the VA cannot say how much because of the HIPAA laws. That created a problem all the way to Washington, D.C.; if we put their amount of disability on a card, then we are in violation of the law. The Division of State Parks will not allow free entry if you do not show 10 percent or more disability. That is the problem we are running into. If you can help get this price down, that would be great. We have done everything we can think of legally. If we can get a card that shows a disability above a certain amount, maybe that would work. We put out some fliers, and you testified about some of the people who were calling you; I had quite a few in Elko also. I am trying to say that this is a problem that has an easy fix.

Chair Swank:

I will also clarify that the 10 percent disability is set in statute by the Division of State Parks [*Nevada Revised Statutes* (NRS) 407.065]. I think by eliminating that requirement, we do

solve the problem of having some kind of disability rating, so this bill does fix that problem by eliminating that requirement.

It is good to see you, Mr. Yarbrough, and thank you for coming to testify in support. We appreciate it.

Is there anyone else in support? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in neutral?

Robert Mergell, Administrator, Division of State Parks, State Department of Conservation and Natural Resources:

The Division is neutral on A.B. 171 and the conceptual amendment proposed by Assemblywoman Bilbray-Axelrod. The conceptual amendment ([Exhibit I](#)) to A.B. 171 would have a fiscal impact on the Division of State Parks, as the amendment proposes at least a \$2 entrance fee discount to veterans with proof of residency. The Division currently offers an annual park pass to Nevada veterans with a service-related disability of 10 percent. The Division also supports providing a discount to veterans, but recommends doing so via regulation. The language establishing the Division's fee structure, including discounts, is set forth in the *Nevada Administrative Code* (NAC) 407.050, the Chapter titled "State Parks and Other Recreational Areas." For clarity and consistency, the Division recommends establishing any new discounts in the NAC. Currently, park users can go to one location to see all of the fees that are associated with Nevada state parks. The Division provides a link to the NAC section of the Nevada Law Library on its website and has printed versions of all the NACs that apply to state parks available to view at parks and regional offices. Having one fee or discount, in this case set in the NRS, will complicate the Division's fees and make it more difficult for people to find where that discount is located.

To go a little off script, because there was reference to the 10 percent disability, that is already established in NRS Chapter 417, which is the Chapter on Veterans' Services. We use that statute in establishing what items a person would need to provide to prove their disability. We use the Department of Veterans Services' statutes to have consistency throughout the state. If that statute were changed to change the requirements of what someone has to provide to us, then that is what we would accept. I think there are a couple of issues: the 10 percent disability, which we took from Veterans Services because that is where the discount kicks in for them, and the same thing with what level of proof is required. It is not very specific, it just says you have to have something that shows you were honorably discharged and proof of your disability level.

Chair Swank:

Is there anyone else who would like to testify in neutral? [There was no one.] Are there any closing remarks?

Assemblywoman Bilbray-Axelrod:

I would just like to say I am happy to continue to work with the veterans groups and see what else we can do to push this forward. Thank you for hearing the bill.

Chair Swank:

I will close the hearing on A.B. 171, and open up for public comment. Is there anyone who would like to offer public comment? [There was no one.] Today is a deadline day, so we are going to be recessing. We are in recess [at 5:10 p.m.].

[The meeting was adjourned on the floor of the Assembly at 6:50 p.m.]

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Heidi Swank, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 83](#), dated March 25, 2019, presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 163](#), presented by Robert Mergell, Administrator, Division of State Parks, State Department of Conservation and Natural Resources.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 163](#), presented by Assemblyman Howard Watts, Assembly District No. 15.

[Exhibit F](#) is written testimony presented by Cassandra Rivas, Legislative Chair, Toiyabe Chapter, Sierra Club, in support of [Assembly Bill 163](#).

[Exhibit G](#) is a letter dated March 22, 2019, to Chair Swank, signed by Patrick Donnelly, Nevada State Director, Center for Biological Diversity, in support of [Assembly Bill 163](#).

[Exhibit H](#) is a letter dated March 15, 2015, to Assemblyman Howard Watts, Assembly District No. 15, signed by Mary Ann Dickinson, President and CEO, Alliance for Water Efficiency, in support of [Assembly Bill 163](#).

[Exhibit I](#) is a proposed amendment to [Assembly Bill 171](#), presented by Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34.