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Office of the Governor

June 3, 2023

The Honorable Steve Yeager
Speaker of the Nevada State Assembly
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 97 of the 82nd Legislative Session

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 97 ("AB 97"), which is titled as follows:

AN ACT relating to government administration; providing, with certain exceptions, that governmental entities shall not prohibit the use of certain refrigerants; and providing other matters properly relating thereto.

AB 97 was aimed at addressing an important goal for Nevada – to curb the use of certain refrigerants which have been associated with negative environmental impacts. This bill would have enabled the State to execute refrigerant replacement efforts.

That said, this bill unfortunately goes one step too far in its aim to limit such refrigerant use. Currently, many large-scale buildings provide cool air throughout the facility using evaporative cooling mechanisms. This bill would not only allow a government entity to prohibit the use of such systems in the future, as is already done in Clark County, but would potentially require the removal of such a system already in place. An ordinance requiring that sort of removal would place an outrageous cost-burden on many recreational, governmental, and business facilities throughout the state.

The language of concern from Section 1, Subsection 2 is as follows:

*2. The governing body of any city or county or any other governmental entity may adopt a building code, ordinance or take any other action to prohibit the construction **or use of** an evaporative cooling mechanism or restrict water service to properties that utilize such a mechanism. (Emphasis added).*

The use of the phrase "*or use of*" in this section codifies an unprecedented ability for any city, county, or other governmental entity to enact an ordinance restricting the use of existing evaporative cooling systems in their jurisdiction, placing a significant financial burden on schools, hospitals, offices, hotels, casinos, and many other facility types that continue to use these systems for indoor climate control.

Since AB 97 places a potentially extreme and unfounded cost-burden on large-scale cooling systems across Nevada, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,



JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Francisco Aguilar, Secretary of State (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel Bureau, Director (without enclosure)
Bryan Fernley, Esq., Legislative Counsel (without enclosure)