

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eighty-Second Session
April 27, 2023**

The Committee on Growth and Infrastructure was called to order by Chair Howard Watts at 1:33 p.m. on Thursday, April 27, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblyman Howard Watts, Chair
Assemblywoman Tracy Brown-May, Vice Chair
Assemblyman Max Carter
Assemblywoman Jill Dickman
Assemblywoman Danielle Gallant
Assemblyman Bert Gurr
Assemblywoman Heidi Kasama
Assemblywoman Elaine Marzola
Assemblywoman Brittney Miller
Assemblyman Cameron (C.H.) Miller
Assemblywoman Sarah Peters
Assemblywoman Shondra Summers-Armstrong

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Pete Goicoechea, Senate District No. 19

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Connie Barlow, Committee Manager



Kathy Biagi, Committee Secretary
Garrett Kingen, Committee Assistant

OTHERS PRESENT:

James T. Simpson, Captain, Nevada State Police Highway Patrol, Department of Public Safety
Tamrah L. Jackson, Major, Nevada State Police Highway Patrol, Department of Public Safety
Tessa M. Laxalt, Manager, Government Affairs, Nevada Trucking Association
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing Nevada Sheriffs' and Chiefs' Association
Stephen Wood, representing Nevada League of Cities and Municipalities
David Cherry, Government Affairs Manager, City of Henderson
Lynn Nielson, Manager of Plans Examining Services, City of Henderson
Wade Gochmour, Assistant City Attorney, City of Henderson
Chris Ferrari, representing BRINC Drones, Inc.
Isaac Hardy, representing the Urban Consortium
Kelly Crompton, Government Affairs Manager, City of Las Vegas
Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager, City of Reno
Leonardo R. Benavides, Government Affairs Manager, City of North Las Vegas
Tom Dowling, Private Citizen, Las Vegas, Nevada
Robert Dempsey, Private Citizen, Las Vegas, Nevada
Joseph Guild III, representing Union Pacific Railroad

Chair Watts:

[Roll was called. Committee protocols and rules were explained.] Welcome back to the Assembly Committee on Growth and Infrastructure, second house edition. We have three bills, and we are going to take them slightly out of order since we have Senator Goicoechea here. We will begin with [Senate Bill 110](#), which revises provisions governing the operation of vehicles on certain highways in the state of Nevada. With that, I will open the hearing on [S.B. 110](#). Welcome to the Committee, Senator.

[Senate Bill 110](#): Revises provisions governing the operation of vehicles on certain highways in the State of Nevada. (BDR 43-593)

Senator Pete Goicoechea, Senate District No. 19:

It is a pleasure to be here. I hope we do not take a lot of your time on this particular bill. It is at the risk of damage. It is a fairly simple bill. I have with me Captain James Simpson and Major Tamrah Jackson, and they are in the neutral position. They are here because they work for the Nevada State Police Highway Patrol and are here to provide some backup or answer any questions you might have. With that, I will go ahead and bring you [Senate Bill 110](#).

The long and short of this bill is that it requires that you have daylight headlamps on when you are traveling any two-lane road in the state of Nevada. Again, two lanes, and that is these highways you are all familiar with: U.S. Highway 95; we have U.S. Highway 93 going north; and U.S. Highway 50, across. Those are majors, and then we have thousands of miles of state routes. Again, this does not apply if you are in a town. I will let Captain Simpson and Major Jackson talk to that if you have any questions about where it applies. Existing law says you are supposed to have your headlights on if you cannot discern an object at 1,000 feet. We have all been out on these roads. Whether it be heat waves in the summertime, flat light, maybe a little sandstorm or rainy weather, at 1,000 feet, you cannot see whether that is a vehicle or an object down there. At 70 miles per hour, 1,000 feet happens pretty quickly. So again, this is what it is about. Most of our cars today, when you start the newer models and go down the road, your headlights or your markers are on. So really it is only some of the older vehicles, but it is truly all about safety. You know and I know, of course, I live in rural Nevada. I will let the officers talk about the number of fatalities we are having, especially head-on collisions on these rural two lanes.

That is the long and short of the bill. You are supposed to have it. This takes the question out of it. It says, Okay, folks, if you are on a two-lane highway in this state, turn your headlights on—day or night. Thank you.

Chair Watts:

Would the Nevada State Police like to provide any initial remarks in the neutral position in relation to the provisions of this bill?

James T. Simpson, Captain, Nevada State Police Highway Patrol, Department of Public Safety:

I work out of our headquarters in Carson City and bring experience of commanding the rural areas to include where Senator Goicoechea resides and represents. Daytime headlamps—there are some sections of highway within the state where they are already mandated. However, I have worked with the Senator for the past two sessions on this. The Highway Patrol believes it should be on all two-lane roads outside of city limits, and that is in the bill. There are some studies out there that show daytime headlights or daytime running lamps (DRLs) do help. Most recently, there was a study submitted two weeks ago out of Australia that showed there was an 8.8 percent reduction in factors causing head-on crashes, and this is what this would prevent on the two-lane roads. They also showed that in dusk and dawn conditions, there is a 20.3 percent reduction.

What is important about that is within the *Nevada Revised Statutes*, you have to have your headlights on a half-hour after sunset and a half-hour before sunrise. So you do have that dawn and dusk time when it is hard to see. In the rural areas, if you have ever driven up from Las Vegas or driven across the state on U.S. 93, U.S. 95, and U.S. 6, you have cars that are gray or cars that are white, and at 5:30 at night in March, it is hard to see those vehicles. The headlights would make a difference there. They also found in the same study out of Australia that in speed zones over 75 kilometers per hour—that would translate to 47 American miles per hour—the daytime running lights did reduce the risk of those crashes

by 13.8 percent. This would affect those higher-speed roads where the speeds are 70 miles per hour in each direction, so you have a closing speed of about 140 miles per hour. I will let Major Jackson provide more statistical data.

Tamrah L. Jackson, Major, Nevada State Police Highway Patrol, Department of Public Safety:

Something we would like to add to this is, in 2021, we actually had 26 daylight collisions on these types of highways, and in 2022, we had 19 collisions. One of the concerns that might be brought up is that motorcycles have DRLs or daytime headlights. Studies have been done to show that adding daytime headlights or DRLs for passenger vehicles has a very insignificant impact on anything related to motorcycle safety, so it is not going to create an additional hazard for them. The studies, as he said, he spoke to the majority of them, but in many of the nations that have made this law permanent, you have seen studies that decrease crashes, specifically head-on crashes, by up to 27 percent. So there is a significant increase in that. Thank you.

Chair Watts:

Seeing nothing else in the presentation at this time, I will turn it over to questions. We will start with Assemblywoman Miller.

Assemblywoman Miller:

I am listening and I read through it, and I am thinking about when I was growing up in Michigan. We used to always think it was so weird that Canadians drove with their lights on. The Canadians thought it was so weird that Detroiters drove with their lights on, and what it was, when we had to get from Detroit to Windsor, we would go through a tunnel and so you turn on your lights and then you just did not realize your lights were still on. They were thinking, Look at all these Detroiters driving around here with their lights on, and we were thinking, Wow, those Canadians always have their lights on. Right now I am driving in a rental car, and when I am driving between Carson and Reno, it is now so automatic that even the floodlights or the high beams go on automatically as I am coming around some of those mountain curves. It is automatic, like it is deciding it is too dark—you need the high beams on. I totally appreciate and understand that the lights on during the day is a sharper image for us in certain driving conditions, and I do understand, geographically, what you are talking about when you say the two-lane highways and such. My question is, and again, everyone has different cars of different ages, what will there be for drivers in terms of education and awareness? We obviously do not want people getting pulled over because they left their lights on or did not know they should have their lights on. We are so reliant on our automobiles now for the lights. Will there be signs? You know, we have do-not-pass signs. Are there going to be turn-on-your-lights signs?

Senator Goicoechea:

Assemblywoman, I will let Major Simpson respond to how they anticipate enforcing this and how they have made other changes in law in the past.

James Simpson:

Good question. The way I see it, this is more of an educational law that will save lives. I talked with Senator Goicoechea last go-around, and this time it is my hope that, similar to when the cell phone law came into effect, there was a grace period where we could stop you and educate you and there was no citation because, again, this is about saving lives and educating people to make sure we are safe. I would like to see that. Also, as we are driving around now, some people just do not remember, so we would just flip the high beams quickly. Then they think, oh, and they fix it. If they do not, we can stop them and have a conversation. I do not see this as what people may call a revenue-generating thing. This is not about that whatsoever. Also, and we mentioned this last go-around, when you come into Nevada, every entry point has signs that say No Cell Phone Usage and Seatbelts Required. This would be a simple fix. We only have so many entries into the state to put up a sign.

We also have public information officers. We have Twitter, Facebook, and, I think, some of the other social media platforms where we can do educational campaigns and public information releases. We do news stories on the news—Channel 8, Channel 5, or whatever. Those are the things we do; we do want to get the message out. We do not want anybody blindsided, but we do want to say that anybody who has driven these roads realizes this would make a difference.

Assemblywoman Miller:

I appreciate that and to be quite frank, we are also trying to reduce the amount of traffic stops, so to say that we will rely on traffic stops as warnings, we want to reduce traffic stops. That is just safer for everyone, right? I would feel more comfortable if we had signs, because again, yes with cell phones, yes with seatbelts; we have done that, but we also need real education for drivers. We cannot always rely on them knowing or understanding. Just like when we see Do Not Pass signs, we know when we exit that area, it now says Pass With Care. That is pretty much how it is no matter which state we are driving through. I would think it would be more effective and safer if we said, High Beam Area or Turn on Your Daylights Area, either for the next 50 miles, or until you reach the next city or something. We need to be more specific because we all know driving through Nevada, there is a lot of emptiness, and we cannot always rely on people to know that. Again, let us reduce the amount of traffic stops.

Senator Goicoechea:

We have major sections across the state that are daylight headlights sections, and they are posted. Again, it is already against the law, and you are talking about the ability to stop. Technically, at 1,000 feet it becomes arbitrary if at 1,000 feet you cannot see. I cannot see you, but you can see better. So it is already in the law that at 1,000 feet, if you cannot discern an object at 1,000 feet, they can stop you.

I do not know if anybody here has been stopped for not having their headlights on and it was almost dark. But again, I have been flashed and you have, too, either by oncoming drivers or occasionally a trooper, to let you know it is getting late and towards dark and you forgot to put your headlights on. You have been driving for the last ten hours. It is as Captain

Simpson said. We have the ability of the Department of Transportation (NDOT) signs at overpasses. Out in the rurals, we have some on road constructions. Again, an advertising campaign: Daylight Headlamps Required. We are not about picking people up. I am just saying I do not want to hit somebody, and I do not want somebody hitting me out there on Highway 50 just because I was not paying attention and they were not either.

Chair Watts:

I appreciate that note, Senator. I know when I have driven Highway 95 in particular, there are daytime headlight signs posted for those zones. Just to put a little finer point on it, does the Department of Public Safety or Highway Patrol anticipate some partnerships to increase that signage on some of the relevant roadways in between some of those urban areas, so as people are heading out of those urban areas and hitting that two-lane stretch, there is a sign that lets them know they are in daytime headlight areas? Again, I know that we have some of that. Is that something you would envision expanding to help cover the expanded scope within this bill?

Senator Goicoechea:

We have not had this full-blown conversation with NDOT yet, although last session we brought the bill and that was the issue. But again, I think as more and more sections of Nevada's two-lane highways are designated daytime headlight sections, it is not as much of an issue now. It is just as easy to put a sign there. When you hit the top of the hill at Apex, put a sign up that says, Daytime Headlights. If you do not know whether you are in or out, at that point when you hit that two-lane highway, you will know. It is going to require some signage. But again, what is the price of a life? I know some of you are familiar with Highway 93 on the eastern side of the state. I am sorry, but it is a slaughterhouse.

Chair Watts:

Thank you for that. I appreciate that clarification. I think that increasing signage will significantly help with awareness as well. I have had a similar experience where I was driving in a different location in a rental vehicle and was used to being on automatic and automatic was not turned off. I got flashed by some conscientious drivers and realized that I did not have my lights on. I got it fixed and definitely agree that this would be an improvement for public safety on those two-lane highways, and this would be envisioned even if there are passing lanes. In general, if it is essentially a two-lane stretch outside of those urban areas, you need to have those daytime lights on. I see nods, so I will take that as a yes and we will move on.

Senator Goicoechea:

Yes, that is clearly what we anticipate with the bill.

Chair Watts:

Wonderful. Just want to make sure we get that intent on the record as well.

Assemblywoman Dickman:

I want to clarify: Would it be the headlights or—you know how when you turn your lights on and you go one notch and you get the running lights? Would that suffice or do you have to have the headlights on?

James Simpson:

It would be daytime running lights or headlights from what I understand. It would be the white light.

Assemblywoman Dickman:

Okay. Just a comment: I would think this would be extremely helpful for big trucks like semis. When they get passed on the right, sometimes there are blind spots. It seems like the lights would really help them know there is a vehicle next to them.

James Simpson:

Semi drivers are some of the most conscientious drivers on the roadways. Many of them do drive with the headlights on. I know Walmart mandates it; it is on the back of the truck—Headlights On For Safety. Trucks on these roads are going at the speed limit or a little below. They cannot stop short, they cannot drive off the road like a car could, so this is beneficial for them as well. When a truck crashes, there is monumental damage done.

Assemblywoman Gallant:

I am surprised this is not a law; I thought it was. I thought it was everywhere. I want to say thank you for bringing this forward and making it clear, and I thank my mom on the record for teaching me right and driving properly on two-lane highways.

Assemblywoman Kasama:

I just want to clarify. It does not have an effective date. Are you just planning on October since there is no effective date for the bill? I think it defaults to October 1, 2023. I am wondering why it is not upon passage because it sounds like a good thing for all of us to have.

Senator Goicoechea:

This is the first bill I have presented in this building, but I did not notice it does not have an effective date. With the Chair's permission, maybe we can amend that in. I assume if we want to make it Assemblywoman Miller's, if we need a little more education or whatever, we can amend this bill to whatever suits this Committee because I damn sure missed it.

Chair Watts:

Thank you for that, Senator. We will follow up about getting those effective dates and making sure that we have everything honed in for the timeline to make sure there is enough time for education and awareness, and we will follow up with NDOT about some of the

signage as well. We will follow up to make sure we get all that stuff buttoned up and coordinated. Any other questions, Committee members? All right, seeing none, thank you very much for the presentation.

With that, we will move to testimony in support of Senate Bill 110. Anyone wishing to provide testimony in support either here in Carson City or down in Las Vegas, please come forward. Seeing nobody in Las Vegas at this time, we will focus here in Carson City. Welcome.

Tessa M. Laxalt, Manager, Government Affairs, Nevada Trucking Association:

I am testifying in support of S.B. 110. We thank the sponsor of this bill, as this further secures the safety of the motoring public, including our truck drivers who move more than 95 percent of the freight in the Silver State. Thank you.

Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We want to thank Senator Goicoechea for bringing this bill forward. We believe this bill will help to reduce fatalities and increase safety on Nevada roadways. The bottom line is every life matters. We talk about reducing fatalities on the roads. It is important to remember when we talk about data, we talk about numbers, we see those boards in the Las Vegas Valley as to how many fatalities we have. Fatalities are not just numbers. Behind every fatality is a family. There is a mother, a father, a son, a daughter. There is a community. They are left behind. Anything we can do to reduce the fatalities. The Las Vegas Metropolitan Police Department strongly supports S.B. 110.

Chair Watts:

Thank you very much. Seeing no one else wishing to provide testimony in support at this time in-person, do we have anyone wishing to provide testimony in support of S.B. 110 by phone? [There was no one.] Do we have anyone wishing to provide testimony in opposition to Senate Bill 110? [There was no one.] Do we have anyone wishing to provide testimony in neutral at this time? [There was no one.] Senator, any closing remarks? [There were none.] Thank you for your presentation. We will close the hearing on Senate Bill 110, and we will open the hearing on Senate Bill 11 (1st Reprint), which requires the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles. Welcome to the table, League of Cities.

Senate Bill 11 (1st Reprint): Requires the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles. (BDR 44-370)

Stephen Wood, representing Nevada League of Cities and Municipalities:

Thank you for the opportunity to present Senate Bill 11 (1st Reprint) to you. With me today from the City of Henderson is David Cherry, their government affairs manager. Down in Las Vegas, we have Assistant City Attorney Wade Gochnour, and Lynn Nielsen, the manager of plans examining services. Senate Bill 11 (1st Reprint) requires the state to adopt regulations for the use of drones for building and fire safety inspections conducted by local

governments. The use of drones is an important tool that local governments need for these types of inspections. It can be dangerous or impossible to view certain parts of a building or property from the ground. Drones can allow for a complete inspection, including roofs, high ceilings, and necessary aerial views that will allow an inspector to remain safe while ensuring public safety by guaranteeing that building and fire codes are being met.

Before I turn it over to Mr. Cherry for more background on why we are presenting the bill, I also want to mention that the bill was amended in the Senate. The changes that were made are as follows: First, a requirement was added that the inspections be scheduled with the property owner. This ensures that there is proper notice and brings the use of drones for this purpose in line with standard practice of inspections by local governments, which already happens. The second, section 1.7, subsection 5, paragraph (b), prohibits the drone in use from capturing any photographs or recording any videos. The drone would simply act as the eyes of the inspector. Lastly, this section also prohibits the use of any information that may be gathered by the drone doing the inspection to establish reasonable suspicion or probable cause and would not be admissible in court.

The second amendment that was added to the bill in the Senate is in section 1, subsection 5, as well as section 1.3, subsection 3; and section 1.7, subsections 6 and 7. These sections place a restriction on the drones that can be used and requires the state to establish a list of acceptable drones for use. A representative of Ferrari Reeder is here to walk you through that piece a little bit later. Also, it was brought to our attention that there is an amendment from the Department of Public Safety [[Exhibit C](#)]. We view that amendment as friendly, but we will let them walk through that amendment and its purpose with you later. With that, I will turn it over to Mr. Cherry. Thank you.

David Cherry, Government Affairs Manager, City of Henderson:

I wish to thank all the members of the Committee with whom we had a chance to meet and discuss S.B. 11 (R1) prior to today's hearing. Existing law allows the public agencies such as the city to use an unmanned aerial vehicle (UAV) for specific public purposes that are outlined in regulations adopted by the State of Nevada. These are currently contained in *Nevada Administrative Code* (NAC) 493.100. Under this existing section of NAC, there are 17 uses of UAVs by public agencies that are authorized. Senate Bill 11 (1st Reprint) simply requires the state to adopt regulations that would add a new authorized use for UAVs by public agencies to this existing list and with the requirements that are outlined in the bill. Once in place, this regulation would allow a city or other public agency to use a UAV to conduct inspections to ensure compliance with building and fire codes.

My city colleague, Lynn Nielson, will explain in greater detail the benefits this will provide to inspectors and the public. Mr. Nielson is joined at the Grant Sawyer building by Assistant City Attorney Wade Gochmour, who is available to answer questions from the Committee. It is important that S.B. 11 (R1) does not curtail any regulatory authority now vested in the state pertaining to regulating the use of UAVs by public agencies. As Mr. Wood mentioned, there are safeguards in the bill we are presenting today that limit its application to a very narrowly tailored set of needs. We appreciate the Nevada League of Cities carrying

S.B. 11 (R1) at the request of the City of Henderson, and we believe it will add a valuable new tool to help ensure compliance with codes meant to protect our communities and our families. I would now like to invite Lynn Nielson to share more about how UAVs will be used in inspections.

Lynn Nielson, Manager of Plans Examining Services, City of Henderson:

I am a licensed fire protection engineer for the City of Henderson. As Mr. Cherry talked about, I will be sharing with you a few of the ways that we plan to incorporate drones into both our building inspections and our fire inspections. Currently, we do a lot of inspections on the building site for photovoltaic-type systems. These systems are typically mounted on the roof. We have a few that are mounted on canopies and a few that are ground-mounted, but for the majority of the systems we inspect, they are mounted on roofs. To do that type of inspection requires one of our staff members to climb a ladder. Oftentimes, the pitches on these roofs are very sloped, the surfaces are slippery, and it makes it a very unsafe condition. For that reason, for safety, we are not allowing our building inspectors to climb these ladders and to go on those roofs because in the past, we have had some accidents and some injuries when our personnel did go up on these ladders.

This bill and the reason we are asking for this to be inserted into the law as a permitted use is to allow our inspectors to have a safe way to do these types of inspections up on a roof. Other examples where these drones will be very useful for our staff are on our fire inspections, whenever we have these large, hazardous material tanks, to take a look at some of the relief venting and other things that are on top of these tanks. Otherwise, we would have to get some equipment that the city does not have our inspectors take with them, like boom lifts and things of that nature, to allow them to get up and look at the top of these particular tanks. Having these drones will definitely make things a lot safer for our building and fire inspectors who are currently doing these inspections. We do not look to see this change who currently does these inspections. If this passes and if new rules are promulgated, we will have our existing staff then get the licenses needed so they can safely operate these drones in accordance with city policy, state rules, and the regulations of the Federal Aviation Administration (FAA). Thank you.

Chair Watts:

All right, thank you. Does that conclude your presentation? Fantastic. Members, do we have any questions? We will start with Assemblywoman Miller.

Assemblywoman Miller:

I appreciate meeting with you all yesterday because you explained the purpose of the drones and how they would be used in the inspections. You also clarified that inspections would not just be in empty commercial business buildings, but they could also be in residential buildings. I appreciate your explaining that the same laws that exist regarding notification for owners applies to renters. An owner knows if there is going to be a home inspection, but the owner who approves the inspection needs to notify the renter that there will be someone doing this work. I expressed my concerns yesterday, especially with renters, because it is a third party authorizing this type of activity in their home.

My concern about drones, in general, is the access they would have. Drones can get into areas and take pictures of things that the average person cannot. I do appreciate what is in section 1.7, subsection 5, paragraph (b), subparagraphs (1) and (2), that talk about if there is something that someone considers to be or that is criminal, that this is not used. I know I am lengthy here. I am just trying to explain my position and my concern. It says things viewed through the drone are not admissible. Okay, it is not admissible in courts. Court is a long way off from the day these pictures are taken. It also says the drone may not be used to establish reasonable suspicion or probable cause, meaning that law enforcement could not use those pictures in order to get a search warrant.

What is still concerning me is that there may be something going on that is not of a criminal nature. It just may not be deemed appropriate or something that someone else may personally condone. What is to stop someone from calling the police, just in general, calling the police? What safeguards do we have with regard to pictures—okay, they are not admissible in court, but we also live in a day when people take pictures of other people they think are funny or gross or whatever and post them all over social media. I know these cannot be used for a search warrant or used in court. But how do we have our Nevadans feeling safe that these drone pictures will not still be used? Nowadays, people call the police if kids, especially Black kids, are having a party on the corner. If someone is doing something—someone is disciplining their child, someone's little baby is running around without a diaper, or something else that someone could decide is not appropriate—what is going to happen when they call the police? Also, how do we keep any images that would be taken of a private nature, whether it is your sink full of dirty dishes or whatever, from not getting out there?

Stephen Wood:

I want to answer one part of the question and then pass it down to the Henderson assistant city attorney. First of all, if you look at subsection 5, paragraph (b), the drones are already prohibited from taking any photographs or video. As far as the picture of the sink full of dirty dishes goes, that picture will not exist to begin with. The drone will simply serve as the eyes of the inspector. It will not be collecting any video or photographs; it will not be recording that. It will just serve as the eyes of the inspector. I would like to pass it down to the Grant Sawyer building for the other piece.

Assemblywoman Miller:

How is that controlled? Is that controlled because it is legislated that you should not, or is that controlled because mechanically, the technology will not allow it? Legislation does not always stop behavior.

David Cherry:

To be honest with you, I am not an expert on drone technology. It is possible there would be technology that we could set, as the operators, which would prohibit the collection or recording of the photo or the video. Obviously, in using the drone as Mr. Nielson explained, the idea would be almost as an extension of the eyes the inspector would use—like you would use a pair of binoculars, only in this case it could move around. It is possible there is a

setting on a drone that could prohibit the operator from being able to actually capture or record an image or video. Certainly that is something we can follow up with you after we consult with the folks who use the drone technology at the city now in other applications and find out for you. I will say just a couple of things, and then I would like to pass to Mr. Gochmour to answer the bigger question you are asking—or the more extensive part of your question about how we would treat a situation if an inspector came across something and then felt there was a need to notify public safety.

First off, this is existing authority we already have, and we are already conducting these inspections. We are not giving ourselves any new authority other than the ability to use a new tool. These are inspectors who are already authorized to do these inspections. They are doing them now just using their own eyes or a different tool other than a drone. With that being the preface, Mr. Gochmour, if you do not mind answering further, and Lynn also, since you manage the staff and have the most experience with how we treat these situations now. I am sure inspectors in the field have encountered this type of situation. We probably have a regulation or a policy in place that guides the operation of our employees that may speak to this as to what they are and are not allowed to do in situations. What would they potentially be required to notify public safety about or what is at their discretion? I invite you both to share your expert knowledge on this with the members of the Committee.

Wade Gochmour, Assistant City Attorney, City of Henderson:

These are some of the same concerns we received from stakeholders during our time in the Senate. That is what led to the inclusion of section 1.7, subsection 5, paragraph (b), subparagraphs (1) and (2) in trying to alleviate these concerns as best we can. What the city is interested in is not using the drones for any purpose outside of building or fire inspections. Again, we have heard these concerns and we have tried to address them as best we can. What we have come forward with is these drones should not be taking any pictures. To do a belt-and-suspenders kind of protection was, if for some reason somebody violates the law and takes these pictures, they are not usable to get reasonable suspicion, probable cause, or any form or fashion using any kind of prosecution.

Going back to what Mr. Cherry just said, we view the drone as essentially an extension of the current eyes of the inspector. The current legal framework that would be addressed is pretty well established at this point. If some sort of criminal measure were to take place or some sort of action were to be based on that, it would follow what is already existing law. Again, there are some additional safeguards.

I know you expressed concern about renters. What we are talking about here is building inspections. In other words, there has to be an active building permit pulled, there has to be some sort of building project that is ongoing, and they are calling an inspection to ensure that what they are building conforms with the international building code and the city's codes. That is the purpose of the inspection, and that is what the statute limits our ability to inspect for. So, renters should be well aware of any construction activity that is already taking place on their property. I hope that addresses that concern. An owner is not randomly calling an inspector out. There has to be an open permit. There have to be plans for this particular

permit and there has to be a project ongoing for us to come to inspect. I hope that addresses your questions, but those are the protections and there is some balancing here. We get to the point where if we try to take out every possibility, the statute becomes so narrow that it really is not useful for its intended purpose, which is to allow us to do building inspections in a safe and effective manner so that we can protect our employees as well as the public at large. I would be happy to answer any other questions.

Assemblywoman Kasama:

I just want to clarify. This is really designed mostly for commercial buildings. This is for the new heating, ventilation, and air-conditioning solar panels that are put on a new school environment or commercial building, or you have the big office building being built in the City of Henderson—to comply with the permits. That is really more what this is designed for, correct?

Stephen Wood:

Could we go to Mr. Nielson to give you some more information about why he would use this tool?

Lynn Nielson:

We envision these particular drone inspections being used on both commercial and residential locations. Primarily on the building side, we envision these inspections happening for solar panel inspections that could be on commercial or residential. Currently, the way the market is driven, it seems to be more on the residential side than it is on the commercial side, but it certainly could be used on commercial solar panels. They are a little bit easier to inspect in person because fortunately here in southern Nevada, most commercial buildings have very flat roofs, and most commercial buildings here in southern Nevada, at least in my jurisdiction, are very accessible through roof ladders that are built into the building that get us up on that roof and are part of the permanent construction that we can utilize. But on a house, we do not have that same feature. There is no way for us to do it. So to answer your questions more directly, I do envision more drone usage on the building side in the sense of photovoltaic systems on houses versus on commercial buildings.

Now on the fire [protection] side, I see it being the opposite. In a large commercial building on the fire side, for us to verify the flow rate or K-factor on a fire sprinkler system in a warehouse where the ceiling is 35-40 feet up is very difficult. But with a drone inside that warehouse, it would be very easy to do. And on the commercial side, inside some of those very inaccessible places like a large atrium or a large warehouse space, I can definitely see some of those inspections being much easier if a drone is used. It is just a tool in the tool belt. You would not pull out a hammer to drive a screw into a wall. You would pull out a screwdriver. It is just the right tool to do that job. We see a drone as being the right tool to do certain jobs, but certainly not all jobs our staff members are currently doing.

Assemblywoman Summers-Armstrong:

I am going to go back to a concern we discussed yesterday and I would like to put it out in the open and that is, these organizations that do this are government entities, generally speaking. They are often under a collective bargaining agreement. My question to Mr. Wood and to Mr. Cherry yesterday was about how this might affect those who are currently employed in these jobs—whether they are going to receive training. Would this training and certification be considered an additional requirement? What happens? I mean, I am over 50 years old. If someone asked me to fly a drone, I am telling you that I do not play video games. This would be outside of my ability, naturally, to be able to learn how to do something like this. I would not want my job to be at risk if I could not figure out how to do this well. I did get a response from them, but I would like them to publicly put out there what they found out from their discussions.

David Cherry:

I did appreciate the opportunity to discuss this yesterday when we met, and then also subsequently to be able to provide you some information. Actually, we are fortunate that it was Mr. Nielson whom I approached about that. My colleague is a manager in the City of Henderson Building and Fire Safety division. Mr. Neilson oversees some of the staff who work in this field and do the inspections that we are discussing now. He also had the opportunity, even before your question arose, to have some conversations with the bargaining unit. We have Teamsters at the City of Henderson. I know our staff members are proudly union-represented staff, and they do a great job for us. But maybe I can ask Mr. Neilson to share a little bit on the record about what he communicated to me, which I then subsequently communicated to you. So thank you for this opportunity.

Mr. Neilson, if you do not mind, could you share a little bit about the conversations you had in advance and then how you envision incorporating our represented employees, or even all of our inspectors, into this process of using the drones should we be granted this authority if S.B. 11 (R1) were to be passed by the Legislature and signed by the Governor?

Lynn Nielson:

I did seek input from staff even before we brought Senate Bill 11 (1st Reprint) forward. In fact, I am really glad you asked the question, because it was actually not my idea to do the drones. It was brought forward by our inspections staff. One of our inspections staff team members brought it forward and said, Hey, could we float this idea as a bill, something we could change, because when you look at the permitted uses of drones, it is not a tool in our tool belt, and we would love to have that capability. So for the record, it actually came from staff, not management, to bring this forward. Management happened to agree with staff, which is a good thing when that happens. When they brought that forward, we worked with the Nevada League of Cities and Municipalities, and we thank Mr. Wood for his great work with the League of Cities and with Mr. Cherry in putting this together.

To answer your very direct question, I have spoken to both Teamsters-represented employees, their stewards, as well as the management stewards for Teamsters, who are our supervisors. Both are in support of this, and what I have shared with them is that we will roll

out this technology or this tool the same way we had to when the pandemic happened. When we first had COVID-19, we had to roll out a new way to do some of our inspections where we had homeowners who put in new water heaters and needed to have those water heaters inspected. They certainly did not want one of our building inspectors going in their house for that potential risk of having COVID-19 spread to the occupants. Yet we still needed to inspect the water heater to make sure it was done safely. We worked with industry and we worked with our inspection staff and we developed the ability to do video-based inspections using phones, believe it or not. That is what we used as the same video technology that you probably talked to friends and family on during COVID-19. We used that to do inspections during COVID-19. We trained our staff on how to use Microsoft Teams, how to use FaceTime, and how to use some of the other platforms as well. I cannot remember all their names off the top of my head right now. We employed about four different technologies with our staff, we offered it willingly to those who wanted to learn this technology, and nobody lost their jobs. Everybody kept their jobs, and we trained them so they would know how to use it.

Then we worked with our contractors so that they could schedule that video-based inspection with our staff, and our staff would know this is a video inspection—not an in-person inspection—and they would get on their cameras, and the person, the homeowner typically, would get on the camera and the staff person would say, Ok, move it to the left, move it to the right, move it up, move it down, back up a little bit, get me a little bit closer, or whatever they needed to do to verify that inspection. They would always say, Now show me your physical address on your house to make sure the water heater was actually in the house they were inspecting at that time. Then they would sign off on that particular inspection.

Using that technology and that framework, we look at this as being no different at all. In fact, what I have already talked to the stewards about is that we will offer training to our staff members who want to get that Federal Communications Commission license to fly these drones. They have to have that license before they can even operate one of these drones to do so safely. We are not going to make it mandatory. We did not make it mandatory for the video-based inspection either. It was, if you are an inspector who wants to do it, let us know and we will give you that training. We had about five or six who did, and they were the ones who did it all and that was enough. It was a good enough tool in our tool belt. I see this as being the same, and I hope that answers your question. Thank you for asking.

Assemblywoman Summers-Armstrong:

Just a quick follow-up. I understand that you were able to have a discussion with the folks at the City of Henderson. But this is a state law. That means every municipality, every city, every county that has building inspectors who are under a contract, would have to try to follow it and find a way to make this work. I would be curious to know if you all reached out to any of your colleagues and other municipalities to see if they have talked with their union representatives about this to let them know that this was coming and to get their feedback, because I think that we cannot assume that it is one size fits all. What is great for Henderson does not happen everywhere else. I live in Las Vegas and I want your trails, but I cannot get them in a built-up urban community, right? I am a little jealous. We need to make sure we

are recognizing that if this goes through, everybody now has this ability. We need to be cognizant that we are considering how this would be rolled out and how this would affect every municipality.

Assemblywoman Gallant:

I am curious, why the change or the proposed change from the Department of Public Safety to the Office of the Military, Division of Emergency Management?

James T. Simpson, Captain, Nevada State Police Highway Patrol, Department of Public Safety:

A little history: During the 81st Legislative Session, Assembly Bill 485 transferred the Division of Emergency Management (DEM) and its powers and duties from the Department of Public Safety to the Office of the Military. As stated by DEM at the time, the only change made during the legislation was to the reporting structure. All operational responsibilities and authorities of DEM were retained. They transferred to the Office of the Military. In 2015, Assembly Bill 239 of the 78th Session brought the authority to oversee the unmanned aerial vehicle (UAV) program to the Department of Emergency Management. Chief Cage stated at the time that the requirements of the Department of Public Safety, to the extent that money was available, were to establish and maintain a registry for UAVs that are operated by public agencies. The registry will be developed on behalf of the Director of the Department of Public Safety by the Division of Emergency Management and maintained by the Division (DEM).

Fast forward to last legislative session when DEM went to the Office of the Military. Everything was supposed to go over, but it was an oversight that *Nevada Revised Statutes* (NRS) 493.118 was not amended to reflect that change, so that authority remained with the Department of Public Safety even though our Division of Emergency Management moved to the Office of the Military. So the DEM has been overseeing this portion of it. We would have to register the drones, and DEM has continued to oversee that, so we wrote a bill draft request just to change that. That change did not happen at the time. Then when Senate Bill 398 came around prior to the merge with Senate Bill 11 (1st Reprint), its current bill, we did try to have that changed over because it is outside of our wheelhouse. In the latest and greatest memo from my deputy director, Sheri Brueggemann, Adjutant General Ondra L. Berry of the Office of the Military and Director Togliatti of the Department of Public Safety both agree that the functions and duties should remain there with the Office of the Military and DEM with the nexus with the military.

Chair Watts:

Just so I can try to clarify here: The original legislation referred to the Department of Public Safety (DPS). The Division of Emergency Management was within the Department at that time. Emergency Management has since been moved into the Office of the Military, but because this never referenced the Division of Emergency Management, it stayed at DPS even though the entity within, which was DEM that was running this, was transferred. Now there

is a disconnect, where essentially the agency that was doing this is now not aligned in statute. That is what you are attempting to do—to actually focus it down from this department level to the actual division so that it will align with that transfer. Am I close?

James Simpson:

You are a hundred percent spot on. If I had said that I would not have had to have you repeat that. Thank you.

Assemblywoman Gallant:

So it seems like there are laws that are contradicting, correct? Is this something that is coming from your department? Has the Legislative Counsel Bureau confirmed this?

James Simpson:

Yes, we submitted this last week. We have been watching it and it had not dropped yet, so we resubmitted it yesterday: Hey, this has to go through. Under NRS 493.118 from last session, it got overlooked. As the Chair stated, it was referred to as the Department, not the Division. I am sure they did a search and it did not pop up, so it was just an oversight. We did a rewrite, which I think is in front of you all, to have the Department changed to the Office of the Military.

Chair Watts:

We will have our staff follow up. I am not going to put them on the spot right now. But again, for folks who do not spend time in the budget committees and look at all the flow charts between departments and then divisions under them, I can understand that. I think it would be important that we really try to make this as clear as possible, that if it is DEM that is doing it, the statute specifically relates to DEM. I do not expect it to go anywhere else any time soon. But this just points to why we want to try to be as specific as possible because then when we have statutory changes, if we are moving things around, we do not end up leaving anything behind. This is what happened here when we just looked at the department level. Mr. Cherry, do you have anything to add?

David Cherry:

I just want to add that when we conceived the bill and worked with the Nevada League of Cities and Municipalities, we felt it was very important—and I mentioned this in my testimony—to preserve the authority of the State in this space. We did not come to the Legislature and say, please give us this authority outside that framework of the State. So obviously, this is why we are treating this as a friendly amendment. We want the State to retain that authority. We are keeping with what the concept was in 2015, but as you so eloquently described, the changes have taken place and we need to make this conform. It fits within what we always saw the framework being and it has worked for us as a local government. We see this continuing to work as long as we straighten this agency issue out.

Chair Watts:

Members, so we can keep things moving, we will have the staff look into this. I think we have gotten the description of the history and the issue that is attempting to be addressed, so we will run down the background to double-check that and we will distribute that to all the members.

Assemblywoman Dickman:

I have two questions, but I promise they are short. You had said that the drone is like an extension of the eyes of the inspector. Could you just put this on the record for me? I have had emails from people who say it is an invasion of privacy and things like that, so if the drone encountered illegal activity and the inspector saw this, is he under no obligation to report it?

Stephen Wood:

If we could go down to the Grant Sawyer building and have Mr. Gochnour address that question for you, Assemblywoman.

Wade Gochnour:

It depends on what your policy is, but I do not know of any direct legal authority that would require an inspector to report it to the police. But again, there is an already-existing legal framework that if an inspector was at a property and saw something that they determined to be illegal on a neighboring property without the use of a drone, it would not change that legal framework at all. It is the same framework. It is just the eyes are a little bit extended.

Assemblywoman Dickman:

Thank you. My other question is, would these inspections be less expensive because there is no person having to go out and do the inspection?

Stephen Wood:

There would still have to be a person there because of FAA regulations. If a drone is being flown, whoever is flying the drone has to be able to see it while it is flying, so the inspector would still be on the property while the drone was there.

Chair Watts:

Members, any additional questions? All right, seeing none at this time, thank you for the presentation. I will ask both the Nevada League of Cities and Municipalities, and I do not think I see NACO [Nevada Association of Counties] here, but if you can also reach out to some of your broader membership in response to Assemblywoman Summers-Armstrong's questions and requests and provide some follow-up, that would be appreciated. With that, we will open up testimony on Senate Bill 11 (1st Reprint). We will start with testimony in support.

Chris Ferrari, representing BRINC Drones, Inc.:

I am here today on behalf of BRINC Drones in support of S.B. 11 (R1). BRINC was founded in Nevada by Las Vegas Blake Resnick in response to the events of October 1, 2017. Its products are fully designed, made, and assembled in Las Vegas and Seattle. I am really here on the national security aspect of the bill, which we amended in the Senate with the proponent's indulgence. On October 5, 2022, the Department of Defense, in compliance with Section 889 of the National Defense Authorization Act, released an updated list of banned foreign companies, which now contains 60 different entities. These companies have been identified as posing a national security risk. We are incorporating a reference to that into the bill to ensure Nevada governmental agencies are going to be in compliance with the federal government's mandates from the Department of Defense (DOD) and ensuring that any future grant programs, or other funding compliance, will be comporting with all those measures. Senate Bill 11 (1st Reprint) will require the regulatory body, whoever it turns out to be, the Office of the Military, to reference the DOD guidelines when promulgating its regulations.

Additionally, for you, Chair and members of the Committee, we wanted to propose in section 1, subsection 5, and section 1.3, subsection 3, an effective date of January 1, 2025. That was in the original form of our amendment to ensure that government agencies have time for a ramp-down, if you will, to use any existing equipment that may not be in compliance with current regulations.

Chair Watts:

This is helpful because I did have some questions. It sounds like you were involved in adding some of the provisions in section 1.7, subsections 6 and 7, which reference some of these lists of countries, businesses, and entities from which a public agency or law enforcement agency shall not purchase or acquire any UAV or other equipment or service relating to the operation of it. And so what you have just described is that you will be providing some follow-up language that provides direction, because my question was going to be how they figured out what that list looks like. To make sure we are clear for the record, the Department of Defense essentially has created a list that they believe is a national security risk. And so, the intent is to align the state regulations on these prohibited vendors, basically, with that DOD list. Correct?

Chris Ferrari:

Just as you have in your previous explanation, exactly.

Chair Watts:

Then, just to get some clarification from those other references, essentially, the rest of the bill would have a functional effective date of October 1, 2023, for the provision overall. Your proposal is that the restricted vendor list would take effect in 2025, so if anyone currently has in operation or in their inventory a noncompliant UAV, 2025 would provide them time to phase it out and get their equipment to be compliant. Correct?

Chris Ferrari:

Correct.

Chair Watts:

Thank you very much. Members, are there any questions for Mr. Ferrari on these provisions of the bill?

Assemblyman Carter:

It sounds like we are going to put in statute that it is okay to keep using equipment that may be transmitting data to foreign entities. Is that what we are saying?

Chris Ferrari:

When working with some of the law enforcement agencies, they indicated there are currently products in use that they would have a difficult time ramping down or phasing out immediately. That is a conciliatory offer to ensure they have time to do so.

Chair Watts:

Members, any other questions? All right, seeing none, thank you, Mr. Ferrari. Is there anyone else wishing to provide testimony in support of Senate Bill 11 (1st Reprint)?

Isaac Hardy, representing the Urban Consortium:

We will keep it brief. We want to express our support. Thank you.

Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing Nevada Sheriffs' and Chiefs' Association:

We support S.B. 11 (R1) and Mr. Ferrari's amendment that would align us with the purchasing and moving forward of our equipment to match the DOD guidelines. We are a hundred percent in favor of section 1, subsection 5, and we appreciate the effective date of January 1, 2025.

Kelly Crompton, Government Affairs Manager, City of Las Vegas:

We are supportive of the bill and thank the League for bringing it forward.

Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager, City of Reno:

We want to echo the comments from our local government colleagues and say that we support the bill.

Leonardo R. Benavides, Government Affairs Manager, City of North Las Vegas:

Also, a ditto as well.

Chair Watts:

Anyone else wishing to provide testimony? Seeing none, we will move to testimony in opposition to S.B. 11 (R1). I see we have somebody joining us in Las Vegas.

Tom Dowling, Private Citizen, Las Vegas, Nevada:

I stand before you today to express my opposition to the proposed amendments to Senate Bill 11 (1st Reprint), specifically the section that prohibits first responders from operating, purchasing, or acquiring unmanned aerial vehicles from Chinese manufacturers, specifically the leading manufacturer of these drones, SZ DJI Technology Co., Ltd. While I understand the importance of ensuring the security of our state, I believe this prohibition is misguided and may have unintended consequences that could negatively impact public safety.

I recently retired after 40 years in public safety as the deputy chief information officer of the New York City Fire Department (FDNY). I am proud to have been involved in the creation of FDNY's robotic unit recently featured in national news after deploying this technology at a parking garage collapse in New York City a week ago this past Tuesday. DJI is a well-known manufacturer of reliable UAVs and is widely used by first responders across the country. Prohibiting the use of this technology could limit the ability of our first responders to access the most advanced and reliable technology available, potentially jeopardizing public safety and the lives of our first responders. Furthermore, this prohibition is based on unfounded allegations of data security concerns surrounding DJI's drones. There is no concrete evidence to suggest that these devices pose any more of a risk to data security than UAVs produced by other manufacturers, including those on the Blue UAS DOD-authorized list. In fact, studies conducted by the Department of Homeland Security and the National Institute of Standards and Technology have invalidated these concerns. By singling out DJI, we risk keeping these essential tools out of the hands of our first responders, which in turn negatively impacts our quality of life. A recent Department of Defense audit found those Blue drones also contain Chinese-made parts.

In conclusion, while I appreciate the concerns around data security, the proposed regulations prohibiting first responders from operating, purchasing, or acquiring DJI UAVs are misguided and could have negative consequences for the public. Therefore, I urge this body to reconsider these regulations/amendments and work with stakeholders to develop a more balanced and evidence-based approach to UAV regulations. I appreciate your time, and I thank you for your consideration.

Robert Dempsey, Private Citizen, Las Vegas, Nevada:

I have been a drone advocate for the past three and a half years. It became a fun hobby that combined technology, photography, and aviation. Two years ago, I started a Facebook group called Old Farts with Drones. Today, we have over 13,000 members in 102 countries, and we are growing. As I am sure you all know, 80 to 90 percent of all drones used in the world are made by two Chinese manufacturers. The few American-made drone manufacturers have recently started a campaign to use a scare tactic to lobby our lawmakers to believe that these drones are stealing and supplying data to the Chinese government. I believe that this is not true. The number one drone company, DJI, has been analyzed by the U.S. Department of the Interior, the U.S. Department of Homeland Security, and the U.S. Department of

Commerce. All of these agencies have found that there are no areas of concern related to data leakage. The Department of the Interior concluded that DJI drones were the best suited for accomplishing their missions while at the same time protecting the data they generate.

I am an advocate for the benefits of drone flight for the safety of the people of our state. There are many incidents of drones quickly rescuing people and assisting our police to keep Nevada citizens safe. My ability to fly the drone I choose would not be interrupted by this bill, but I see a trend in that direction. As you have heard, after a successful lobby effort in the state of Florida, law enforcement, fire departments, and many other agencies are not able to perform the services the public depend on. They are being forced to use inferior-quality drones. To conclude, as a certified FAA drone pilot, I always want to use the best available equipment, and as a senior citizen, I want the police and first responders to be able to quickly find me if I am lost in the desert. I thank you for your time.

[[Exhibit D](#) and [Exhibit E](#) were submitted but not discussed and are included as exhibits for the hearing.]

Chair Watts:

Thank you very much. If there is anyone else wishing to provide testimony in opposition to [S.B. 11 \(R1\)](#), please come forward. [There was no one.] All right, we will move to testimony in neutral on [S.B. 11 \(R1\)](#).

James Simpson:

I do not know if this is out of protocol, but I got clearance, so I should be good. If the amendments that we submitted do pass, we will remove our fiscal note. That is all I had—short and sweet.

Chair Watts:

Thank you for that update, sir. I am also wondering why there is a bill with a fiscal note that is already in the second house, but it is okay. Is there anyone else wishing to provide testimony in the neutral position on [S.B. 11 \(R1\)](#)? [There was no one.]

We have been droning on for over an hour, so we will close the hearing on [Senate Bill 11 \(1st Reprint\)](#), and we will open the hearing on [Senate Bill 397](#), which revises provisions relating to subsurface installations. We look forward to digging into this issue.

[Senate Bill 397](#): Revises provisions relating to subsurface installations. (BDR 40-962)

Joseph Guild III, representing Union Pacific Railroad:

[Senate Bill 397](#) is actually a safety bill, and it was brought to the attention of the Union Pacific Railroad last summer, and almost coincidentally with that, I had a conversation with the Majority Leader in the Senate. The Public Utilities Commission of Nevada (PUCN) mentioned to the Union Pacific Railroad that the current language in the law would require the Union Pacific Railroad join Nevada's call before you dig association, USA North 811. That began a series of discussions with the PUCN in which we discovered that the

Commission did not know the Union Pacific Railroad had its own call before you dig system. The problem from the railroad's point of view was if there were two systems and an individual who had a contract or had some activity that they were going to perform on the Union Pacific right-of-way might call the Nevada USA North 811 system. Therefore, that would not alert the Union Pacific Railroad that there were going to be construction activities on its right-of-way. That could result in some situations where the contractor or the person who was doing the construction work on the right-of-way on behalf of another utility provider that might have some access across that right-of-way would think that they were complying with notice to the railroad.

The railroad for a long time now has had a system in place that covers the 29,000 miles of right-of-way it has across its entire system. It has worked well, and so the PUCN suggested an exception to the Nevada statute defining "operator." This is the heart of the bill—that *Nevada Revised Statutes* (NRS) Chapter 455 be carved out to accommodate the call before you dig system utilized by the Union Pacific Railroad so there is not this conflict or potential conflict. I had a conversation with the Majority Leader in the Senate shortly before or contemporaneously almost with this, and she offered to help, and that is why her name is on the bill.

The language in the bill is where we have had the important cooperation and utilization of the PUCN experience and expertise, because the language you see in the bill creating the exception was crafted by the PUCN. An operator would be any person who owns, operates, or maintains a subsurface installation, but does not include the Department of Transportation or an interstate railroad company that operates more than 1,000 miles of railroad track in this state if the subsurface installations owned, operated, or maintained by the company, are located within the right-of-way of the company and do not include facilities subject to the jurisdiction of the U.S. Department of Transportation in accordance with Title 49 of the *Code of Federal Regulations*. That section of the code says that it relates to the transportation of natural and other gas by pipelines, and it prescribes requirements for reporting of incidents in those kinds of facilities. That narrow exception exactly refers to the Union Pacific Railroad in the state of Nevada and creates the exception which allows the Union Pacific's system for calling before you dig to be in cooperation and not in conflict with Nevada law.

I should have said when I talked about the 29,000 miles of right-of-way in the entire Union Pacific system, there are approximately 1,200 miles of right-of-way in the state of Nevada. The Union Pacific is the only Class 1 railroad that owns right-of-way in the state of Nevada, even though the Burlington Northern Santa Fe has what are called trackage rights which allows them to operate some trains on that right-of-way. So with that, Mr. Chair, I hope I have outlined the situation, the rationale for it, and I would be more than happy to answer any questions.

Chair Watts:

Thank you, Mr. Guild, for that thorough presentation. Members, any questions?

Assemblywoman Peters:

I was trying to track it, but I faltered a little bit. What exactly are the scenarios in which this exemption is a benefit? Give me an example, because I am having a hard time staying on track regarding what exactly we are trying to fix or overcome.

Joseph Guild:

I would envision something like this, Assemblywoman Peters. Let us say that Southwest Gas Corporation has a pipeline that crosses the Union Pacific Railroad right-of-way going through northern Nevada somewhere between Lovelock and Winnemucca. I am not sure that is the exact geographic situation, but let us hypothetically suppose that is the case. Normally, that pipeline would probably follow closely to a public highway, for instance, and those public highways would have a grade crossing across the Union Pacific right-of-way in accordance with a contract between Nevada's Department of Transportation if it was a state highway, or Humboldt County if it was a county highway. Let us say that Southwest Gas entered into a contract with someone to come onto that right-of-way and repair a leak in the pipeline. If that contractor called USA North 811, the Nevada association for call before you dig under NRS Chapter 455, and did not call the Union Pacific Railroad, they could go onto that right-of-way and start construction or excavation to repair that pipeline and interfere with other things that might be in that right-of-way without the railroad knowing about it.

So if the railroad had its own call before you dig system and the contractor knew they had to call Union Pacific Railroad because the contract also said the Union Pacific Railroad right-of-way was going to be interfered with, then there would be a provision that might indicate they had to call the Union Pacific Railroad. That is the kind of conflict about which we are talking. It is not a big deal in terms of numbers, but it could be a big deal in terms of interference with that pipeline. And so the contractor would call the Union Pacific's call before you dig system and the Union Pacific Railroad would know what they were doing, where they were doing it, when they were doing it. That is kind of a windy answer, but I hope that helps.

Assemblywoman Peters:

I think my struggle is just in the bill language. There is no context for where "operator" is installed in the language of the section. So I will have to do a little bit of digging to fully conceptualize what we are trying to get over here. I appreciate the brevity of the bill. Bravo, Legislative Counsel Bureau.

Chair Watts:

Members, additional questions? You mentioned this towards the end of your initial presentation, Mr. Guild. With the parameters that are put in place here, is there any other company this would apply to in the state of Nevada or would it just be the Union Pacific Railroad?

Joseph Guild:

No, I excavated all my thoughts and I can categorically say it would apply to no other railroad in the state of Nevada.

Chair Watts:

All right. Going over a couple of quick things—and again, these might have been things that I missed, but going a little bit deeper on this—I understand this is basically the exemption, so I have a two-part question. The Union Pacific's call before you dig program—is that essentially established because of the size and significance of the operation, or is that somehow federally required or managed in some way?

The second piece of that question is: you mentioned, essentially, if somebody calls the other more general call before you dig line, you may not be informed of it. Is there collaboration or information sharing the other way? If they call Union Pacific, if they are digging in your right-of-way, is there any need for and is there any information sharing with others?

Joseph Guild:

There are a couple of parts to that question. First of all, I do not think there is a federal requirement, but I am informed that all of the other Class 1 railroads, there are six or seven in the country, have similar systems. It just so happens the Union Pacific Railroad has the most miles of right-of-way of any railroad in the country. That is why there are 29,000 as opposed to some others that may not have that extent. If I understand the question correctly, Mr. Chair, the likelihood of this happening without the railroad knowing about it is probably not even measurable, because if a contractor were to come onto that right-of-way, it would be in furtherance of a contract which, as I said before, would have these kinds of provisions. The danger and the concern of the railroad is that situation where we have a small contractor with a backhoe and a dump truck coming onto the property, who does not realize there is this other system. So the likelihood of that person being exposed to and understanding USA North 811 for its other excavations it might have, say, in the town of Lovelock, this fellow is in Pershing County and just picks up the phone and calls that—that is the potential conflict, the potential danger that I have had described to me. I am not sure that this two-way street is very occupied, if you will.

Chair Watts:

Okay, I appreciate that. And again, I think we are all trying to understand the intersection between the kind of context that is being provided in the policy. Again, this seems like an exemption that is trying to get people not to call that wrong system and to go to the railroad system. But essentially the piece of going to the railroad system is not in policy. So that is something that would be handled through contracts or other outreach or education?

Joseph Guild:

There is a nuance within your question. The danger is if the Legislature does not see fit to do this, then the railroad will be in violation of the law for not using the USA North 811 system. That is what the PUCN brought to the attention of the railroad last summer. That generated this discussion, which ended up with the bill we are talking about today at the PUCN's suggestion, that we bring this issue before you all for resolution so the railroad would not be exposed to violations of NRS Chapter 455.

Chair Watts:

Okay. I think it is helpful that finally we have done enough digging on this to get a little bit clearer than mud. So members, any additional questions?

Assemblywoman Peters:

At the moment, the railroad is not a part of an operator association. They are operating their own similar, in-compliance kind of notification process.

Joseph Guild:

That is correct.

Chair Watts:

Members, any other questions? Seeing none, we will open it up for testimony. We will begin with testimony in support of Senate Bill 397. Anyone wishing to provide testimony in support, please come forward. [There was no one.] Anyone wishing to provide testimony in opposition to Senate Bill 397? [There was no one.] We will move to testimony in the neutral position on Senate Bill 397. [There was none.] With that, we will close the hearing on Senate Bill 397. That brings us to the last item on our agenda today, which is public comment. [There was none.] Thank you very much for your time and attention today. Our next meeting will be on Tuesday, May 2, 2023. This meeting is adjourned [at 3:08 p.m.].

RESPECTFULLY SUBMITTED:

Kathy Biagi
Committee Secretary

APPROVED BY:

Assemblyman Howard Watts, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Senate Bill 11 (1st Reprint), dated April 19, 2023, submitted by Natasha Koch, Chief, Division of Parole and Probation, Department of Public Safety.

[Exhibit D](#) is written testimony, dated April 26, 2023, submitted by Robert Dempsey, Private Citizen, Las Vegas, Nevada, in opposition to Senate Bill 11 (1st Reprint).

[Exhibit E](#) is a document titled "DJI Enterprise Drones: Safe and Secure," submitted by Robert Dempsey, Private Citizen, Las Vegas, Nevada, regarding Senate Bill 11 (1st Reprint).