

**MINUTES OF THE
SENATE COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eighty-second Session
March 27, 2023**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:31 p.m. on Monday, March 27, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dallas Harris, Chair
Senator Pat Spearman, Vice Chair
Senator Julie Pazina
Senator Ira Hansen

COMMITTEE MEMBERS ABSENT:

Senator Scott Hammond (Excused):

STAFF MEMBERS PRESENT:

Kristin Rossiter, Policy Analyst
Jessica Dummer, Counsel
Paula Peters, Committee Secretary

OTHERS PRESENT:

Stephen Wood, Nevada League of Cities and Municipalities
David Cherry, City of Henderson
Lynn Nielson, Manager of Plans Examining Services, Fire Protection Engineer,
Building and Fire Safety Division, Community Development and Services
Department, City of Henderson
Brandon Kemble, Assistant City Attorney, City of Henderson
Chris Ferrari, BRINC
Nic Ciccone, City of Reno
Kelly Crompton, City of Las Vegas

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Mathew Giltner, Nevada Offroad Association
Laura Butcher, Valley Off Road Race Association
Sean Sever, Deputy Administrator, Division of Research and Project
Management, Nevada Department of Motor Vehicles
Nikhil Narkhede, Program Manager, Nevada Off-Highway Vehicles Program,
State Department of Conservation and Natural Resources

VICE CHAIR SPEARMAN:

We will open the hearing on Senate Bill (S.B.) 11.

SENATE BILL 11: Requires the Department of Public Safety to adopt regulations authorizing a public agency to use unmanned aerial vehicles for certain purposes. (BDR 44-370)

STEPHEN WOOD (Nevada League of Cities and Municipalities):

I am representing the Nevada League of Cities and Municipalities and will present S.B. 11. With me from the City of Henderson are David Cherry, Government Affairs Manager; Brandon Kemble, Assistant City Attorney; and Lynn Nielson, Manager of Plans Examining Services.

Senate Bill 11 requires the Nevada Department of Public Safety (DPS) 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 specific inspections.

These inspections can be dangerous, or impossible at times, 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. They allow an inspector to remain safe, while ensuring the public safety by guaranteeing that building and fire codes are being met.

Two proposed amendments are being presented today, which we consider friendly. The first proposed amendment (Exhibit C) is from the City of Henderson. First, it requires that the inspections be scheduled with the property owner. Second, it prohibits any information gathered by the inspection with a drone being used for any law enforcement purposes. Lastly, it prohibits the drone from capturing any photographs or recording any videos. The drone would simply act as the eyes of the inspector.

The second friendly proposed amendment is from Chris Ferrari and places restrictions on drones that can be purchased or used by public agencies or law enforcement entities. Mr. Ferrari will walk you through that amendment for your consideration.

DAVID CHERRY (City of Henderson):

Existing law allows a public agency, such as the City, to use an unmanned aerial vehicle (UAV) for specific public purposes that are outlined in regulations adopted by the DPS. These are contained in *Nevada Administrative Code* (NAC) 493.100. Within this section of NAC, there are 17 authorized uses of UAVs by public agencies.

Senate Bill 11 requires the DPS to adopt regulations that would add a new authorized use for UAVs by public agencies to this existing list. 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 amended bill will provide to inspectors and the public. It is important to note that S.B. 11 does not change any regulatory authority now vested in the DPS. Nor does it alter the process the Department uses for adopting new regulations, including those pertaining to the use of UAVs by public agencies.

As Mr. Wood mentioned, there are safeguards in the amendment that we are presenting today that limit its application to a very narrowly tailored need.

We appreciate the Nevada League of Cities sponsoring S.B. 11 at the request of the City of Henderson. The bill as amended will add a valuable new tool to help ensure compliance with codes meant to protect our communities.

Mr. Nielson will now share more about how UAVs will be used in inspections.

LYNN NIELSON (Manager of Plans Examining Services, Fire Protection Engineer, Building and Fire Safety Division, Community Development and Services Department, City of Henderson):

The City of Henderson staff perform inspections on both building permits and fire permits. One of the difficulties that we have is that our inspections often take us to places where our inspectors cannot go due to safety reasons.

For example, we cannot go up on boom lifts, man lifts or scaffolding. Our inspectors have had to resort to using binoculars to try to find locations in a building or an adjacent building. They then go to this location to observe the permitted item using their binoculars.

That has caused challenges for our staff. For that reason, we are seeking to have this new item added to the list of 17 so that our inspectors will be able to more effectively carry out the inspections that they are required to do.

BRANDON KEMBLE (Assistant City Attorney, City of Henderson):

To clarify, the City of Henderson is proposing an amendment with language that would amend *Nevada Revised Statutes* (NRS) 493. It does one specific thing. It requests that the DPS add UAVs to the list of allowed items that can be used for inspections. This would ensure compliance with building and fire code laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

The original language of the bill proposed allowing inspection of public works or other real properties. That has been stricken through our proposed amendment.

We reached out to constituent groups who were concerned about privacy. The proposed amendment offers the belt-and-suspenders version of privacy protections that you would be looking for. The amendment should assuage even the most stringent advocates of privacy.

Nevada Revised Statutes 493.112, subsection 4 is a prohibition against using any photographs obtained through drone usage by law enforcement or any other government personnel for any purpose other than these building and fire inspections.

The amendment goes even further. The amendment would require the DPS to almost mirror the language of the statutory protections that are already there, limiting the use of any photographs obtained through the UAVs.

However, we go even a step further with the amendment. It adds a new subsection 5, paragraph (c), to NRS 493.112, to require that no photographs will be taken in the first place. This is an extra safety measure in the event that a photograph is somehow taken by a drone piloted by someone else which would be prohibited under a promulgated rule by the DPS. Even in that

circumstance, that photograph could not be used by law enforcement for any other purpose.

No additional privacy measure should be warranted in this amendment. Senate Bill 11, as amended, allows our inspectors in the Building and Fire Safety Division to access unsafe areas. These are areas that could not otherwise be accessed in a safe manner. The bill allows the inspectors to safely inspect buildings for code and fire safety purposes.

SENATOR PAZINA:

The second friendly amendment mentioned that the section would become effective on January 1, 2025. I want to confirm that S.B. 11 will not become effective on October 1, 2023.

MR. WOOD:

Chris Ferrari will present that amendment during testimony, unless you want him to speak now. That provision is in the amendment. My understanding is that it is there to ensure that existing drones being used by government agencies now do not have to be scrapped.

CHAIR HARRIS:

Mr. Ferrari will present his friendly amendment.

CHRIS FERRARI (BRINC):

I am here on behalf of BRINC, which is a Las Vegas-based drone company and a U.S. manufacturer. We are in support of S.B. 11 as amended. Senator Spearman is familiar with this topic as well.

The purpose of this amendment ([Exhibit D](#)) is public safety and awareness. Drones were originally developed as consumer products. Drones have evolved into critical public safety tools that are used by many agencies. They are typically connected to the Internet with the firmware upgrades that are required.

In 2019, Congress, through the National Defense Authorization Act (NDAA), instructed the U.S. Department of Defense (DOD) to start creating and managing a list of prohibited foreign telecommunications and video surveillance services or equipment in response to the threat of data exploitation.

On October 5, 2022, the DOD placed the largest drone manufacturer on this list. On this prohibited list are "Chinese military companies operating in the United States." That language is from the NDAA and the company in question has roughly 80 percent of the State and local public safety drone market.

This amendment will require the DPS to develop a list of prohibited countries, businesses and entities from which a public or law enforcement agency shall not acquire drones or related products. It will reference federal guidelines through the NDAA and provide information and clarity for all Nevada government entities.

American-made systems are better able to address the needs of American public safety agencies. They speak the same language and use domestically created parts. The effective date to your question regarding 2025 is as Mr. Wood indicated. It is to allow agencies to have a ramp down in advance of S.B. 11 taking effect.

SENATOR HANSEN:

Mr. Kemble, I reached out to former Assemblyman Elliot T. Anderson who in "2017, I think it was, actually wrote the first main drone bill." It was the first main drone bill passed by our Legislature. Mr. Anderson said that the DPS already has the authority under regulation to do this, and he did not know why we had to pass a bill to add it to the NRS.

MR. KEMBLE:

Nevada Administrative Code 493.100 has a list of 17 purposes for which DPS is authorized to use unmanned vehicles. It is possible that you could argue under the statute that the City does have this ability. But the Department, which was responsible for promulgating regulations pursuant to the statute, has outlined these specific purposes. And building and fire safety are not on the list of inspections authorized by the Department.

We want the DPS to add that section so we are not in violation of any section of NAC. You could argue that, under the law, we have that ability pursuant to statute. But we certainly do not have it under the regulation, and it would be better if we did. That is the reason we are asking the Department to add that to the list of 17 specific uses for drones by public entities.

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SENATOR HANSEN:

The major concerns with the introduction of drone usage was the issue of public safety and the concept that citizens are not subject to unreasonable searches by the government.

Years ago, I knew a man in Sparks who was involved with drones. The City discovered that he had built a shed in his backyard without a permit. I do not like the idea of the government being able to snoop. The bill prevents that from happening and it is further restrictive with the City of Henderson amendment.

This clears up my concerns and I like the bill as amended. The bottom line for me is that the drones will be used for absolutely limited purposes. The amendment ensures that any additional situations encountered cannot be used in a court of law.

NIC CICCONE (City of Reno):

The City of Reno is in support of the bill.

KELLY CROMPTON (City of Las Vegas):

The City of Las Vegas supports this bill.

CHAIR HARRIS:

We will close the hearing on S.B. 11 and open the hearing on S.B. 205.

SENATE BILL 205: Revises provisions relating to the registration of off-highway vehicles. (BDR 43-546)

SENATOR IRA HANSEN (Senatorial District No. 14):

Nevada law requires off-highway vehicles (OHV) to be registered once a year. The almost exclusive purpose of S.B. 205 is to create a three-year registration window for those who desire it. The fees will remain the same, \$20 to \$30 per year. Permit fees for a three-year permit would be \$60 to \$90.

The amendment ([Exhibit E](#)) includes a reciprocity clause. In Nevada, you are allowed to come into the State and not register an OHV if you are here for 15 days or less. Stays greater than 15 days will require you to license your vehicle.

We want a reciprocity clause so that other states will treat Nevadans the same way. If any states do not reciprocate, then the 15-day window exemption would not extend to visitors from those states.

The fiscal note should be going away. There was concern from the State Department of Conservation and Natural Resources (DCNR) about the dollar amount. We kept them the same, so there is no fiscal concern.

The Nevada Department of Motor Vehicles (DMV) will explain that if S.B. 205 is implemented after the new DMV system is in place, there will be no additional costs. That way we can avoid the fiscal concern.

The entire purpose of the bill is to allow people who use OHVs the opportunity to register either annually or every three years. The costs will remain the same, so there is no fiscal impact.

MATHEW GILTNER (Nevada Offroad Association):

I am the Executive Director of the Nevada Offroad Association. We are a Nevada 501(c)(3) nonprofit based in the Carson Valley. We speak in support of this amendment for changing the financial considerations of a three-year registration to reflect essentially three times the annual recreation fee for the registration.

Our off-road community puts about \$110 million a year into the economy and most of that is spent in rural Nevada where the communities, quite bluntly, need the funding.

The only consideration I had is that the reciprocity needs a sharper look. I agree with Senator Hansen tenfold. However, I would encourage this Committee to remove the Vehicle Identification Number (VIN) inspection requirement for out-of-state vehicle registration. The VIN inspection requirement is not impossible to meet but certainly difficult within the State. I suspect that it would be a hurdle moving forward for anybody that will be paying to register an out-of-state vehicle in Nevada.

LAURA BUTCHER (Valley Off Road Race Association):

I am the owner and CEO of Valley Off Road Race Association. I support this amendment. For the record:

Putting on off-road events throughout the State of Nevada, we try really hard to bring economic boost to the small towns throughout our State, and supporting this really helps with some of the programs that we work with and seeing it just kind of start to get off the ground.

I want to continue to support this amendment. We are agreeable to registration being a three-year versus one-year program if it does not cut off funding.

SENATOR PAZINA:

I have never registered an off-road vehicle. Are there any safety inspections? Is there anything that is usually performed on an annual basis during the registration process?

SENATOR HANSEN:

I am not sure. We can ask the DMV when they testify in neutral.

SEAN SEVER (Deputy Administrator, Division of Research and Project Management, Nevada Department of Motor Vehicles):

I will defer that question to the DCNR. We only handle the VIN inspection part.

We are neutral on S.B. 205 and did submit a fiscal note with impact on the bill. However, this would be significantly reduced, if not eliminated, with the amendment. It would also be helpful if the bill implementation date is moved to after the DMV Transformation Effort has been completed.

We were unclear on the revenue impact on the original bill. It has been clarified that we will not be losing any revenue. Moving back the implementation date would benefit the DMV and prevent us from hiring contracted programmers to program both our old and new IT systems. We appreciate the bill sponsor working with us on this bill.

NIKHIL NARKHEDE (Program Manager, Nevada Off-Highway Vehicles Program, State Department of Conservation and Natural Resources):

The Nevada Off-Highway Vehicles Program is neutral with respect to S.B. 205. The OHV program within the DCNR promotes safe and responsible use of Nevada's opportunities for off-road recreation.

This Program administers grants for projects Statewide. The OHV registrations require annual renewal. With few exceptions, this registration is required for OHVs recreating on public lands. Nevada's nine-member Commission on Off-Highway Vehicles grants funding for projects from revenue generated by these Nevada OHV registrations.

The conceptual amendment to S.B. 205 offering a triennial registration, while retaining an annual option, will positively impact members of the OHV community and increase efficiency and registration processing. Because OHV registrations can only be completed by mail, and are separated from the regular motor vehicle database, availability of a triennial registration would reduce the amount of paperwork Nevadans need to mail in, to remain in compliance with the OHV laws.

Section 2 as amended satisfies concerns of lost OHV revenue identified in the fiscal note submitted by the DCNR. We support continued authority for the Commission on Off-Highway Vehicles to set fees for OHV registration.

Finally, adding language addressing reciprocity will help mitigate natural resource impacts caused by visitors who bring their OHVs to recreate in Nevada. Without impacting fees on Nevadans, it will require visitors of nonreciprocating states to contribute to the revolving account on off-highway vehicles.

CHAIR HARRIS:

Are there any ongoing safety requirements for the annual registration?

MR. NARKHEDE:

No, there is no safety requirement on OHVs.

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CHAIR HARRIS:

We will close the hearing on S.B. 205. Having no further business to come before the Senate Committee on Growth and Infrastructure, we are adjourned at 4:02 p.m.

RESPECTFULLY SUBMITTED:

Paula Peters,
Committee Secretary

APPROVED BY:

Senator Dallas Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 11	C	2	Stephen Wood / City of Henderson	Proposed Amendment
S.B. 11	D	5	Chris Ferrari / BRINC	Proposed Amendment
S.B. 205	E	7	Senator Ira Hansen	Conceptual Amendment