

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Eighth Session  
April 6, 2015**

The Committee on Government Affairs was called to order by Chairman John Ellison at 8:03 a.m. on Monday, April 6, 2015, in Room 4100 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/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman John Ellison, Chairman  
Assemblyman John Moore, Vice Chairman  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblyman Edgar Flores  
Assemblywoman Amber Joiner  
Assemblywoman Dina Neal  
Assemblywoman Shelly M. Shelton  
Assemblywoman Ellen B. Spiegel  
Assemblyman Lynn D. Stewart  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Harvey J. Munford (excused)  
Assemblyman Stephen H. Silberkraus (excused)  
Assemblywoman Melissa Woodbury (excused)



**GUEST LEGISLATORS PRESENT:**

Assemblyman Paul Anderson, Assembly District No. 13

**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Eileen O'Grady, Committee Counsel  
Lori McCleary, Committee Secretary  
Aubrie Bates, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Cheryl Tyler, Administrative Services Officer II, Nevada National Guard, Office of the Military  
Dana A. Grigg, Captain, Assistant Judge Advocate, Office of the Staff Judge Advocate, Nevada National Guard, Office of the Military  
Ernest E. Adler, representing Nevada Rural Housing Authority  
D. Gary Longaker, Executive Director, Nevada Rural Housing Authority  
Jeff Fontaine, Executive Director, Nevada Association of Counties  
Richard Daly, representing Local 169, Laborers International Union of North America  
Mary Beth Sewald, President, Nevada Broadcasters Association  
Nick Kaptain, Chief Executive Officer, Adlava, LLC, Las Vegas, Nevada  
Brian M. Patchett, President/Chief Executive Officer, Easter Seals Nevada  
John Fudenberg, Assistant Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County  
Liane Lee, Government Affairs Manager, Office of the County Manager, Clark County  
Kristen Remington, News Anchor, KTVN Channel 2 News, Reno, Nevada  
Craig Knight, General Manager/Program Director, KCEP-FM, Las Vegas, Nevada  
Chris Way, Director of Digital Media, 8 News Now, KLAS-TV, Las Vegas, Nevada  
Barry Smith, Executive Director, Nevada Press Association  
Trevor Hayes, representing Nevada Press Association

**Chairman Ellison:**

[Roll was called. Committee rules and protocol were explained.] We will be hearing Assembly Bill 388 first and welcome Assemblyman Paul Anderson to present the bill.

**Assembly Bill 388: Revises provisions governing certain leaves of absence for military duty for public officers and employees. (BDR 23-180)**

**Assemblyman Paul Anderson, Assembly District No. 13:**

Assembly Bill 388 is a bill meant to remedy the unintended consequences of a bill I presented last session, Assembly Bill No. 364 of the 77th Session. The genesis of A.B. No. 364 of the 77th Session in the 2013 Legislative Session was a young man who worked at the Department of Corrections and lived in my district. He and a few other coworkers had a situation where they had limited time off because they were new employees. However, they still had reserve duties. One was in the Nevada National Guard and others were in other reserves that required them to take two weeks off each year, as well as one weekend per month.

At the time, the current statute allowed for 15 paid days off, which is definitely adequate for those in the reserves if they already had weekends off. The situation we ran into was many of these folks, especially if they were new employees, were getting different shifts, including weekends. They would then have to use all of their annual leave for training days and take leave without pay for the remainder of the monthly training weekends. In many cases, they would have to take unpaid days where they would get a reduction in salary for serving in the reserves.

The intent of A.B. No. 364 of the 77th Session was to create equity and allow those who worked normal shifts and had weekends off to take those 15 days. Those who did not work normal shifts and worked weekends or longer hours would not have to have a pay decrease because they were serving in their reserve capacity.

The unintended consequences are always the fun part of this job. We need to understand all the different variables that go into passing a bill, having the regulations written, and then seeing them enacted in the different agencies. The genesis of A.B. 388 is recognizing that A.B. No. 364 of the 77th Session ended up costing the state for those who did work Saturdays and Sundays and increased the number of days they had to take off. Oftentimes, we saw the senior employees bidding for the weekend positions, which is not a terrible thing. However, they were then double-dipping in many cases, getting the extra pay, having their vacation, and being paid for their normal days.

One of the hurdles we need to resolve with this bill is certainly the fiscal impact. Assembly Bill No. 364 of the 77th Session had a fiscal note attached. We worked with the agencies and thought we had come to a reasonable

position, understanding the intent, and how it would play out. However, it did end up having some fiscal impact to those agencies.

Assembly Bill 388 proposes a compromise that will continue to provide the same amount of additional days for military leave but lessens the fiscal impact in several ways. I will walk through a couple of portions of the bill and would be happy to answer any questions at that point.

Under existing law, a state employee is eligible to take the maximum number of days of paid leave for military duty in a calendar year. This is where the discrepancy comes in, calendar versus fiscal year. Some agencies are on a calendar year, other agencies are on a fiscal year, and the federal government is on a fiscal year not always lining up with our fiscal year. An issue arose out of this, certainly because of these days. Because we had fiscal years and calendar years overlapping, in one fiscal year an employee could be eligible for up to 78 days of paid military leave given the overlap of the two calendar years. That overlap caused the Office of the Military to come back to the Interim Finance Committee and request additional funds to cover their 12-month periods.

The second part of the compromise is related to *Nevada Revised Statutes* (NRS) 281.145, which provides for paid leave of absence to eligible public officers and employees who serve under orders, which includes training. Under existing law, each day that the state employee serves under orders, the employee gets his or her pay for military duty, as well as his or her regular compensation because this benefit is for a paid leave of absence. With respect to state employees who are eligible for the 24 additional working days, which is what A.B. No. 364 of the 77th Session added in an effort to create the equity portion, these employees are still wrapped up into this paid day if their normal work schedule includes a Saturday or a Sunday.

Assembly Bill 388, page 3, lines 2 through 13, limits the employee's total pay on those days. If the employee's military drill pay exceeds his or her regular compensation, the employee receives only his or her military drill pay and not his or her regular compensation through the employer, although the employee still receives the day off without needing to take leave. If the employee's military drill pay does not exceed his or her regular compensation, the employee's regular compensation will be reduced by an amount equal to his or her military drill pay. This makes the employee whole, which is the entire intent. It will ensure employees are not losing money by serving in their military capacity.

For example, if a state employee's regular compensation were \$16.29 per hour, two eight-hour days of that compensation would be \$260.64. If the state employee were a guard reserve member in the lowest enlisted rank with less than two years of service in the guard or reserves, the drill pay for both days of the weekend would total \$204.20. Under this scenario, the employee's regular compensation does not exceed the employee's military drill pay. Therefore, to make the employee whole, the state would compensate the employee for the difference of \$56.44.

The differential pay requirement reduces the expense to the state related to the additional 24 hours of working leave. However, it continues to make sure the employee receives 100 percent of their salary equivalent to the differential pay level.

This bill also ensures that for those 24 additional days provided by A.B. No. 364 of the 77th Session, the state employee is not docked a day of annual leave, is not required to take leave without pay, and still nets his or her state compensation while attending drill training, which is the intent of NRS 281.145.

The third change in A.B. 388 is to clarify what a working day is. In Nevada, we have employees who work 24-hour shifts, 8-hour shifts, or even 10-hour shifts. There was a lot of confusion on how we compensate an employee who has a different schedule, sometimes from week to week or month to month as they bid different work schedules. If an employee normally works 10 hours per day, then his or her working day would be defined as what they normally work. For example, if a drill training is on a Saturday or Sunday and a state firefighter is regularly scheduled to work on that Saturday or Sunday, the firefighter would get his or her regular compensation, subject to the differential pay requirement, for the two 24-hour shifts that he or she missed to attend training, even if the drill session only lasted 8 hours. Similarly, if an employee worked a 10-hour shift, is regularly scheduled to work on a Saturday or Sunday, and attends drill training on the weekend, he or she would be entitled to that regular compensation, subject to the differential pay requirement, for those two 10-hour shifts that the employee missed while attending training.

The fourth change under which public officers and employees are eligible for paid military leave for service under any type of orders, including deployment and training, which is found on page 2, lines 25 through 27, limits the use of the 24-hour work day. For example, if your work schedule turns into working a 24-hour shift but you work from midnight until 2 a.m. on Saturday, we are not counting that as having worked on Saturday for this particular bill, since their normal workday schedule was ended and they could continue on with their

military schedule if need be. We also define the working day as whatever the employee's normal working day is.

That concludes my presentation, and I am happy to answer any questions.

**Chairman Ellison:**

I remember the bill from last session. When I saw this bill, I was shocked because I thought it passed last session.

**Assemblyman Paul Anderson:**

To clarify, it did pass last session. We had every indication that the fiscal note was cleared. As the bill passed, it turned out it cost the state more than expected. I am here simply to clarify a remedy regarding the cost portion of that issue.

**Assemblyman Stewart:**

To summarize, this bill protects the reservist who is a state employee but prevents double-dipping by other state employees, including the reservist. They get the benefit of the highest amount between the reserve pay and the state pay, but it prevents them from getting both. Is that correct?

**Assemblyman Paul Anderson:**

I should have just had you present the bill. You have it very clear in your mind, and I appreciate the clarity to the Committee as well. That is exactly what it does. The intent now is simply to make the employee whole, regardless of their schedule or their situation to make sure they are not being docked for the service they render to our country.

**Assemblyman Wheeler:**

I see this is for state employees only. I want to make it clear for the record that this does not include county employees, municipal employees, or private employees. Is that correct?

**Assemblyman Paul Anderson:**

That is correct. County employees, municipal employees, and private employees are all governed under different regulations and laws. This only applies to state agencies and state employees.

**Chairman Ellison:**

Is there any further discussion? [There was none.] Those who would like to testify in favor of the bill, please come forward.

**Cheryl Tyler, Administrative Services Officer II, Nevada National Guard, Office of the Military:**

We agree with the bill. We are testifying today to say that with the current understanding of this bill, we are estimating a savings of approximately \$44,000 per state fiscal year. However, with this new clarification, we would also like to request an Accounting Assistant III position, which would cost the agency approximately \$40,000 for the first year and \$49,000 for the subsequent year. We are testifying this morning because we were unable to submit a fiscal note. I will submit an unsolicited fiscal note at the request of the Committee.

**Dana A. Grigg, Captain, Assistant Judge Advocate, Office of the Staff Judge Advocate, Nevada National Guard, Office of the Military:**

I am basically here in favor of the bill as well. I think Assemblyman Anderson has summed the bill up in a great manner. We would like to clarify and give an understanding for the Committee members. When it comes to a military drill, we are typically looking at a four-drill period. What that means is when a member is in a training status for the Nevada National Guard or the Reserve. That member is doing four days of training over a weekend. I think Assemblyman Anderson clarified the numbers quite well, but just so you have an understanding, when you are looking at someone's shift and how that plays out, they are very different depending on the member. In addition, an annual training day is even different from a drill status.

You could typically have annual training during the week, but it could also land on the weekend. The hours that encompasses is a 24-hour time period. When the member comes on duty, they are on duty from midnight the day they come on duty to midnight the following day. It is typically a 24-hour period, even though they may only work 8 hours in that two-drill period for the day or 16 hours for a four-drill period. Members are not on an hourly wage during that status, which I would also like to clarify.

**Assemblyman Stewart:**

If I understood Ms. Tyler correctly, we are going to save \$44,000, but it is going to cost \$40,000, so there is a total savings of \$4,000.

**Cheryl Tyler:**

Yes. It is basically a wash for our agency.

**Assemblyman Stewart:**

The overall savings is \$4,000.

**Cheryl Tyler:**

Yes.

**Chairman Ellison:**

I am looking at the five fiscal notes on this bill. This is not going to be an increase back to the state. Is that correct?

**Cheryl Tyler:**

We want to clarify that there is a savings based on the bill, but because we need an accounting assistant, it is basically going to be a wash.

**Assemblyman Moore:**

Can you help me understand why we have to add another employee?

**Cheryl Tyler:**

With the current understanding of the bill, currently very few of our employees from the Office of the Military submit differential pay for their military service. With this bill, a majority of them would begin submitting for military differential pay for the weekend. We are anticipating this will cause many fiscal responsibilities for our agency. We are requesting that assistance in terms of that issue. We spoke with the Division of Human Resource Management of the Department of Administration, and the current understanding is that there would be manual calculations involved. The Nevada Employee Action and Timekeeping System (NEATS) will not be able to support the calculation by itself, so our fiscal employee would have to calculate those differential pays.

**Assemblyman Moore:**

I am still a little confused. I would be interested to hear the bill sponsor's response.

**Assemblyman Wheeler:**

Ms. Tyler, regarding this unsolicited fiscal note, will that actually change anything in the bill? Will this bill have to go the Assembly Committee on Ways and Means or change it to a two-thirds vote?

**Cheryl Tyler:**

I apologize, Assemblyman Wheeler, but I do not know the answer to that question.

**Chairman Ellison:**

Is there any further discussion? [There was none.] Is there anyone else wishing to testify in favor of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to



testify as neutral to the bill? [There was no one.] Assemblyman Anderson, could you answer Assemblyman Moore's question?

**Assemblyman Moore:**

Could you address the need for an additional employee?

**Assemblyman Paul Anderson:**

The Office of the Military has been great to work with and has worked with me throughout this bill, as well as 10 or 12 other agencies that all work very differently. Some agencies already have differential pay, but others do not. If this bill does end up with a fiscal note, we will certainly work through that. The goal is to make sure we still take care of those employees who are serving in the military by not cutting their pay. We will continue to make the necessary changes to make sure we are effective at that.

**Chairman Ellison:**

I am going to close the hearing on A.B. 388. We need to schedule this for a work session.

ASSEMBLYMAN MOORE MOVED TO SUSPEND RULE NO. 57 OF  
ASSEMBLY RESOLUTION 1.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD,  
SILBERKRAUS, AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Jered McDonald, Committee Policy Analyst:**

The bill we have on work session is Assembly Bill 388.

**Assembly Bill 388: Revises provisions governing certain leaves of absence for military duty for public officers and employees. (BDR 23-180)**

Assembly Bill 388 revises provisions governing certain leaves of absence for military duty for public officers and employees. The bill was just heard in this Committee.

ASSEMBLYMAN WHEELER MOVED TO DO PASS  
ASSEMBLY BILL 388.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD, NEAL,  
SILBERKRAUS, AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Chairman Ellison:**

Assemblyman Paul Anderson will do the floor statement. We will now hear the presentation for Assembly Bill 428.

**Assembly Bill 428: Exempts the Nevada Rural Housing Authority from the  
Local Government Purchasing Act. (BDR 27-1098)**

**Ernest E. Adler, representing Nevada Rural Housing Authority:**

The Nevada Rural Housing Authority (NRHA) was created in 1973 to serve as a public housing authority, much as the Housing Authority of the City of Reno serves Washoe County and the Southern Nevada Regional Housing Authority serves Clark County. Even though NRHA is on the same footing as the other housing authorities under *Nevada Revised Statutes* (NRS) 332.015, it is required to abide by the Local Government Purchasing Act. Specifically, it must contract and advertise all contracts over \$50,000. The statute does not apply to all the other housing authorities within the state of Nevada. Even the Housing Division of the Department of Business and Industry is not required to bid out that kind of a contract.

There are also some conflicts in the statutes as to what NRHA needs to bid out and what it does not need to bid out. *Nevada Revised Statutes* 315.550, subsection 2, states, "Any sale, conveyance, lease or agreement provided for in this section may be made by a state public body without appraisal, public notice, advertisement or public bidding, notwithstanding any other laws to the contrary." That indicates this local government provision of bidding out does not apply to NRHA, even though there is a specific section.

Under another provision, it appears NRHA is not required to bid construction agreements in accordance with the Local Government Purchasing Act. For example, NRS 354.474, subsection 1, paragraph (b) states, "'Local government' includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose." What that statute means is NRHA is not a local

government for any other purpose. If it is not a local government for any other purpose, why is it under the Local Government Purchasing Act as a local government?

Essentially, what we want under this bill is for NRHA to be treated like all the other housing authorities in the state of Nevada that are not required to bid out projects of \$50,000 or less. The NRHA wants to be treated in the same fashion as the Housing Division. The NRHA does not want to get out from under things such as the Open Meeting Law, the Public Records Law, or those types of laws it currently abides by.

There have been a number of examples where this has been detrimental, especially working in rural areas. For instance, we had a townhouse project in Eureka where NRHA needed to add stairs. The NRHA advertised and went all over the state to find someone who would construct those stairs, which was around a \$50,000 project. The NRHA could not find anyone to construct the stairs through the regular bidding process. One individual was finally found from Sparks who would construct the stairs. They then had to hire an independent contractor to install the stairs and an independent inspector to inspect the stairs. It added approximately \$20,000 to the cost of the project.

The projects the NRHA are working on are for the homeless, homeless veterans, or low- to moderate-income citizens throughout rural Nevada. Quite frankly, it is almost impossible to get more than one bid on these small projects. The NRHA is not trying to get out of bidding large projects. We currently have a senior citizen housing project in Winnemucca that went out to bid and was advertised normally. However, for the smaller projects, it is awkward and adds substantial cost to the project.

I would be happy to answer any questions.

[Assemblyman Moore assumed the Chair.]

**Vice Chairman Moore:**

Are there any questions from Committee members?

**Assemblyman Stewart:**

Why have we not done this before since it has been in effect since 1973?

**Ernest Adler:**

The provision placing NRHA under the Local Government Purchasing Act did not come into effect until approximately 1995. I really do not know why it was

added at that time. Prior to that, NRHA was on the same footing with all the other housing authorities throughout the state of Nevada.

**Assemblyman Stewart:**

What is the limit?

**Ernest Adler:**

Currently, most of the projects the NRHA is doing are tax credit projects, which have to do with federal tax credits. All of those are bid out. If they had a \$1 million project, or even several hundred-thousand dollars, it would have to be bid out anyway.

**Assemblyman Stewart:**

Is there a definite limit on what applies and what does not apply?

**Ernest Adler:**

No, I do not believe there is.

**Assemblyman Stewart:**

Should there not be?

**Ernest Adler:**

It should relate to the cost effectiveness of the project. The stairs project had thousands of dollars added to what was originally a \$50,000 project. All that does is take money away from the people we are trying to provide a benefit for, such as veterans and the homeless.

**Assemblyman Stewart:**

Would the board determine whether it is financially beneficial to have a bid or not?

**Ernest Adler:**

That is correct. The NRHA has a public board that holds public meetings. They would make that determination in an open meeting.

**Assemblyman Wheeler:**

Does this open it up so that any project can be done without a bid?

**Ernest Adler:**

Potentially, that is correct. However, realistically, if it is a tax credit project or a project that uses a public financing mechanism, it will be bid out.

**Assemblyman Carrillo:**

Why do we want to remove it now?

**Ernest Adler:**

Because of the expense, actually. In rural Nevada, we had to do a plumbing project on public housing. They advertised all over Sparks and Reno. We knew there was only one plumber from Fallon who was going to bid on it. They spent \$4,000 or \$5,000 on the advertising, put it out for bid, and then we ended up with the contractor from Fallon. He bid more because he figured out he was going to be the only bidder. He also had to include the cost of placing a bid on the project. It was a minor project, and we would have saved money if we had just talked to him directly and asked him to do it for a specific amount instead of going through the entire procedure.

For most of the projects in rural Nevada, there will usually not be more than one contractor who is willing to drive all the way out there to do it. The workers, many times, will have to live in a camper. There are other problems with the workers having to travel to work on these projects.

**Assemblyman Carrillo:**

If the reference were removed, would that mean they would not be held accountable to competitive bidding procedures and performance contracts for operating cost-saving measures as they are currently?

**D. Gary Longaker, Executive Director, Nevada Rural Housing Authority:**

If I could go back for a few moments because that question has come up a couple of times. The NRHA was created in the early '70s as the public housing authority for the 15 rural counties. They operated under the same provisions as the housing authorities for both Clark County and Washoe County, and later the Housing Division. In 1995, the Legislature, in effect, took the authority away. It was no longer a state agency in terms of funding, staffing, or state authorized benefits. However, it still had the same charge as the housing authorities in Clark County and Washoe County, which was developing affordable housing for the rural parts of the state. We do not know why that provision was inserted in 1995. We are simply asking to correct that so we can operate the same way as the Housing Authority of the City of Reno, the Southern Nevada Regional Housing Authority, and the Housing Division.

**Ernest Adler:**

If you read the Local Government Purchasing Act, the reason for the change in 1995 was the use of ad valorem tax or sales tax money by local governmental entities to purchase things. They wanted to make sure it was bid out. The

NRHA does not receive any ad valorem tax or sales tax money from the state. That is the reason it needs to be placed with the other housing authorities, which also do not receive ad valorem tax or sales tax.

**Assemblyman Stewart:**

Currently, Washoe County and Clark County already have this, and you are trying to level the playing field so you have the same rights as they do concerning these contracts. Is that correct?

**Ernest Adler:**

Thank you for making the best argument today. Yes, that is correct.

**Vice Chairman Moore:**

Are there any other questions from Committee members? [There were none.] Is there anyone wishing to testify in support?

**Gary Longaker:**

I am here in support of the bill. [Written testimony was also submitted ([Exhibit C](#)).]

**Jeff Fontaine, Executive Director, Nevada Association of Counties:**

We are in support of A.B. 428. The Nevada Association of Counties (NACO) has two appointees to the Board of Directors of the Nevada Rural Housing Authority. We see the great work they do in the 15 rural counties. This legislation would enable the NRHA to complete those projects in the most cost-effective manner possible.

**Vice Chairman Moore:**

Is there any further testimony in support of the bill? [There was none.] Is there any testimony in opposition to the bill?

**Richard Daly, representing Local 169, Laborers International Union of North America:**

I apologize to the people who are sponsoring the bill. I did not know who was sponsoring it or I would have talked to them to get clarification on a few things. Listening to the testimony, I am a little confused. If they are on the same footing as the other housing authorities, I guess it would be a decision for the Committee to look up the policy to determine which way is right. Should it be no one under the Local Government Purchasing Act or everyone under the Local Government Purchasing Act?

The projects they were talking about are not state or local government purchasing; they are construction projects. I am not sure why the NRHA is

under NRS Chapter 332. They should be under NRS Chapter 338, where there are specific bidding requirements, prevailing wage aside. This is not a prevailing wage issue. The bidding rules are in NRS Chapter 338.141 and 338.143. That goes all the way down to jobs of zero that are required to be bid if it is a construction project.

To the issue of the state government purchasing, the questions were right on. Do we support a process of no-bid contracting? If we do, yes, they could go out and give the work to whomever they want to. In a negotiated basis, you would hope everyone would be fair and open with no nefarious plots. However, you would certainly open yourself to those accusations, regardless of whether it was intended, not intended, or actually happened. I am not sure that is the policy this Committee wants to go forward with.

All of the laws that are put into place for state government purchasing and for construction bidding are meant to have safeguards. When you are spending public dollars, it must be done in a fair and open process so everyone can compete. You may think you are only going to get one bid, but you may be surprised. It should be open to everyone so no one can say they did not have an opportunity. Given time, you will hear contractors say they did not see it advertised, did not know about, or that they would have given a better price. Whether or not they should be under state government purchasing is a different issue.

There is another bill where there are certain things exempt from state government purchasing, and another bill that wants to take away many of the current exemptions.

The level is \$50,000. We have a system in the state that has created the balance between what needs to be bid and when it should not be, what the threshold is, and where there can be some discretion. Those things have taken many legislative sessions to put into place and fix problems. I am not sure you want to open it up to say they can have no-bid contracts on whatever they want for state government purchasing when they should be bidding these projects under NRS Chapter 338.

**Assemblyman Wheeler:**

This is a different situation since Washoe County and Clark County are not under this particular restriction. That is strange to me. Do you know of any abuses that have taken place in either Washoe County or Clark County? Why should the rural counties not be on the same footing as Washoe County and Clark County?

**Richard Daly:**

I was not aware of that. That is why this body should decide what the policy should be. Either everyone is under the Local Government Purchasing Act or no one is. I do not deal with the Southern Nevada Rural Housing Authority. I have not had any issues with the Housing Authority of the City of Reno that I can recall. This is a policy decision. I am shrugging my shoulders as you are as to why they are not all under the Local Government Purchasing Act for protection of public dollars. As I mentioned, there are other bills that want to lower the thresholds and tighten it down on what it is that has to be bid for professional services. There is a push and a pull and we need a balance. It creates a problem that this body must decide. I believe they should all be under the same rule. Which rule that is, this body needs to decide. The problems that have been described seem to be all construction projects and are covered by NRS Chapter 338. If there is a problem or a disagreement there, that is another discussion.

**Vice Chairman Moore:**

Any further questions from the Committee? [There were none.] Is there anyone wishing to testify as neutral to the bill? [There was no one.] Would the bill sponsor like to make any closing comments?

**Ernest Adler:**

All the NRHA wants is to be on the same level as the other housing authorities within the state of Nevada. The Housing Division is not required to bid these types of projects either. I think it is unfair for the NRHA to be singled out. It is not an effective statute for saving money for the ultimate consumers. I would urge you to support this measure.

**Vice Chairman Moore:**

I will close the hearing on Assembly Bill 428. I will open the hearing on Assembly Bill 479. Would the bill sponsor please come forward?

**Assembly Bill 479: Revises provisions relating to public notices. (BDR 19-1095)**

**Assemblywoman Ellen B. Spiegel, Assembly District No. 20:**

I had the privilege and honor of presenting Assembly Bill No. 267 of the 77th Session, which is extremely similar to this bill, Assembly Bill 479. The bill is designed to bring Nevada into the twenty-first century. This bill is also designed to address the issues that were brought up two years ago that could not be overcome, which is why the bill failed to pass two years ago.

It is very important that we get public notices out to the public. There are issues, but as technology changes, as people change, as people's access to



media changes, the ability they have to receive public notices changes as well. As a legislative body, we need to be looking at how we can best be serving our constituents, the people of Nevada, and making sure they have access to the information they need, when they need it, in a way they are able to receive it.

Assembly Bill 479 includes allowing broadcasters and Internet websites to issue public notices. The broadcasters have been working long and hard over the past two years looking at ways we could be doing this better, more effectively, and reaching more people. The Internet provides us with the means to do this and to be compliant with the Americans with Disabilities Act (ADA) [page 2, ([Exhibit D](#))]. This allows us to get to more Nevadans who need to receive this information.

Assembly Bill 479 is enabling legislation only [page 3, ([Exhibit D](#))]. It is intended to broaden the legal authority of all state and local governmental and non-governmental organizations, individuals, and legal entities to utilize, for the first time, the broadcast and Internet website power of Nevada broadcast stations as an alternative or supplement to Nevada print media for the purpose of publishing the myriad of proposed and taken official governmental and non-governmental actions and matters requiring legal notice or legal advertisement publication.

More people have access to the Internet, and fewer people are reading newspapers. Eighty-seven percent of all American adults today use the Internet, email, or access the Internet via a mobile device [page 4, ([Exhibit D](#))]. If you think back over the past 20 years or so, even your own Internet use has increased. This has caused a dramatic shift in how our society lives, works, plays, and gets information. Ninety percent of all American adults have a cell phone, 58 percent have a smartphone, 32 percent own an e-reader, and 42 percent own a tablet computer. Eighty-four percent of all U.S. households have computers, with 78.5 percent of all households having a desktop computer. The younger people are, the more likely they are to be using this new technology.

Internet usage continues to grow [page 5, ([Exhibit D](#))]. It has increased tenfold from 1999 to 2013. It continues to increase. More and more people are using the Internet and the numbers and penetration keeps increasing.

At the same time, newspaper readership is declining [page 6, ([Exhibit D](#))]. This data goes through 2012, but I also calculated some numbers over the weekend that are more updated. Based on the household data given from the U.S. Census from 2009 to 2013 and newspaper circulation data that was provided to me by the Legislative Counsel Bureau on Friday, in Clark County,

24.8 percent of households subscribe to a newspaper on a daily basis, with 28.7 percent on Sundays. In Washoe County, 27.4 percent of households subscribe to a newspaper on a daily basis, with 33.1 percent on Sundays. In Elko County, it is a little higher with 34.1 percent of households subscribing to a daily newspaper, and 39.8 percent on Sundays. For people who do not subscribe to newspapers, the chances are they are not getting access to all of the public notices or to the information that we, as a body, have determined is in the public interest.

Newspaper readership keeps declining [page 7, ([Exhibit D](#))]. There were two articles in yesterday's *Las Vegas Review-Journal* that I am going to point out to you over the next couple of slides. The first was an article called "Changes in the Las Vegas Media Include the *Review-Journal*." In this article there was an interesting statement, and I will quote directly from the article. "U.S. print advertising revenue fell from \$47.4 billion in 2005 to \$17.3 billion in 2013, according to the Pew Research Center."

We are seeing revenue and business models falling for the newspapers. It is very unfortunate, but part of that is tied to its circulation. As fewer people read newspapers, it is harder for them to stay afloat. I began my career as a newspaper carrier, and I have also worked for media companies, so I understand some of the challenges. I understand that advertising is a critical issue for newspapers or for any media company.

Broadcasting, however, is now reaching more Nevadans than print [page 8, ([Exhibit D](#))]. All told, broadcast is reaching 98.4 percent of Nevadans 18 years of age or older.

What we are seeing at the same time is convergence. The second article that was interesting from Friday's *Las Vegas Review-Journal* was called "News Landscape in Las Vegas Undergoing Historic Shift." I would like to point out an interesting quote from this article: "TV stations are flooding their websites with the written word and newspapers are filling theirs with video. The convergence is even changing the way the companies look at themselves." What we are seeing is that newspapers are becoming more like broadcast, and broadcast is becoming more like newspapers. We see this today as we look at the news on the Internet. I know I get my news primarily from the Internet. I am always seeing video clips embedded in the website. I am seeing text and I am seeing video. It is changing how we are all seeing it.

Incidentally, revenue is falling for broadcast stations as well, which is part of why we are seeing the shift of more broadcast media being distributed through the Internet. It helps bring down the cost.

Two years ago when I brought Assembly Bill No. 267 of the 77th Session forward, there were a number of issues expressed. The first issue had to do with access and how people could access the public notices with no Internet. The public libraries provide free computer access to everyone in Nevada. Even in the rural counties, the highest level of newspaper penetration is 39.8 percent on Sundays only, and 34.1 percent during the week versus 98 percent of Nevadans getting access to broadcast media. We are seeing that perhaps the access concerns are not there, especially when it is overlaid with having free computer access for everyone at public libraries [page 9, ([Exhibit D](#))].

The other issue raised two years ago was the process, which was a very large issue. How would we know the notice that is placed is actually the notice that is on the Internet? As we all know, it can be easy to edit things and change things on the Internet. How can we make sure what is there is verifiable? We have seen this ourselves. Technology has progressed over the last two years.

In working with the broadcasters, they are being very cognizant of that issue. They are looking at using technology similar to the technology we use with our contribution and expense filings with the Office of the Secretary of State. I know everyone on this Committee is familiar with that technology. You upload the data for your contributions and expenses, the Office of the Secretary of State actually stamps it filed, the PDF is then created that shows exactly what was filed, and you receive a confirmation that it was in fact filed. Anytime anything is amended, the same process is used, but it clearly states the information was amended. By using this type of technology and process, we can address the process concerns that have been raised in the past and do it in a way that is transparent to the end users and Nevadans.

I will now turn the presentation over to Mary Beth Sewald from the Nevada Broadcasters Association, who will walk you through some additional points. We will then answer any questions you may have.

**Mary Beth Sewald, President, Nevada Broadcasters Association:**

I am here today representing all 123 radio stations and 18 television stations in the state of Nevada. I am very proud to be here and honored to speak with you today. The Nevada Broadcasters Association, as Assemblywoman Spiegel said, is proposing A.B. 479, which provides a brand new, ADA-compliant legal notices website enabling unprecedented access for all Nevadans through the Nevada Broadcasters Association, which is really what we are here to talk about today. Our goal today is very simple. It is to make public notices truly public.

Why include a Nevada broadcast internet website as a publication option [page 10, ([Exhibit D](#))]? Again, it is enabling legislation. Every station, local agency, organization, person, and legal entity will be free to decide for itself how best, between newspaper print and broadcast Internet website posting, to publicize its legal notices and legal advertisements.

One of the key functions of this entire program, however, will be the robust statewide public awareness campaign by Nevada's radio and television stations. One of the questions I have received is if everyone is used to going to the newspaper for its public notices, how will they even know we exist? With the reach of 98.4 percent of all Nevadans 18 years and older in this state, along with the robust campaign we will conduct, we would be hard-pressed to think that anyone in the state would not be aware of this public notices information and where to find these things. In addition, as broadcasters, we would promote our website, but we would also conduct several awareness campaigns to give the public the information about public notices. We would also promote the print platforms as well. We believe getting this information to the public is the key.

Why should we do this? It will provide broader distribution of notice publications with the potential to save all users, especially government entities, hundreds of thousands of dollars. We have been able to find some information that discusses the expenditures of our local and state government agencies, and the numbers will blow your mind. We have numbers that show a tremendous amount of dollars spent. It will expand the marketplace by removing the monopoly that the newspapers enjoy. We are not here to say anything bad about newspapers or print. Our friends in the print media serve an extremely valuable service. We want to help promote them as well. However, we believe that expanding the marketplace will only serve the greater good of the public and save government agencies a lot of money.

We will provide competitive marketplace pricing. Those who are required to publish legal notices will now have the power to control the publication costs. Again, it will provide options. Those required to publish those notices will have the choice to continue posting their legal notices in print as they always have, but they will now have the choice to go with the broadcast platforms, or they will have the option to do a mix of both. As Assemblywoman Spiegel said, it is freely accessible by Internet.

This slide shows a few of the features and benefits that our website will provide [page 11, ([Exhibit D](#))]. I have talked about the robust marketing campaign and public awareness campaign that the broadcasters will conduct. They will also have hot links on all of their television and radio stations to this public notices

website. Assemblywoman Spiegel talked about due process. We will provide an official affidavit of publication and print. You will be able to print those notices so you have all the facts you need.

One thing I am really excited about is not only are we here to make public notices more accessible, we are here to make them more accessible for everyone. That includes a new feature that you will not find on any other website in terms of public notices. That is the fact that we are making it ADA-compliant with screen reader capabilities. When a person who is visually or cognitively impaired wants to see a public notice or post one, we have software embedded in our system where the person can actually mouse over the words and the system will read to them. This is something that is one of the most exciting things about this website.

The website will also be multilingual, will have archive capabilities, a social sharing function for Facebook, Twitter, et cetera, social analytics, 24/7/365 accessibility, and it will be mobile, tablet, and desktop compatible.

I would like to show you a short video regarding this public notices website. The video will actually illustrate and show you what the website looks like, along with the features and benefits of the Nevada Broadcasters Association public notices website. [Video presentation was played ([Exhibit E](#)).]

That video gives you a good idea of what our public notices portal will look like. If you have any questions about how it will operate, we did invite Nick Kaptain, the owner of Adlava, which is the company that is putting this portal together for us.

In closing, the broadcasters of Nevada are extremely passionate about serving the public. We are here to serve our viewers, our listeners, and your constituents. One of the things we are most passionate about is public information and disseminating that information.

Something you may not know about the broadcasters of this state is that we are, by statute, certified, trained, and credentialed as first responders in the state of Nevada [page 12, ([Exhibit D](#))]. We are the voice of the U.S. Department of Homeland Security, Amber Alert, and the Emergency Alert System. We take these roles as public servants extremely seriously. We see this as another way to be out there educating the public and letting them know about these important public notices.

I appreciate your time today. We believe it is time to bring this antiquated law into the twenty-first century and put this information where people consume it,

and that is on broadcast digital media. [Written testimony was also submitted ([Exhibit F](#)).]

**Vice Chairman Moore:**

Are there any questions from the Committee?

**Assemblywoman Neal:**

I was trying to contrast the differences between Assembly Bill No. 267 of the 77th Session and this bill. In section 9, there is an expansion to the definition of legal notice. What does that mean and what are the legal implications? Now, when you have a legal notice, the notice is able to apprise members of where it is and where to find it. This bill creates a new definition by stating "any" notice.

[Assemblyman Ellison reassumed the Chair.]

My second question is in regard to section 11, subsection 5, which states, "A legal notice or legal advertisement is not void if: (a) The newspaper in which the legal notice or legal advertisement is published suspends publication, or public access to the Internet website on which the legal notice or legal advertisement is published is suspended, for not more than 30 consecutive days...."

Those two questions work together. You are expanding the definition of legal notice, and you are also saying if there is a suspension and somehow there is no access for 30 days, the notice of legal advertisement is not void. I am trying to walk through the legality of how that works because that means there is no process for 30 days if something occurs.

**Mary Beth Sewald:**

Those are very good questions. We have made several changes to the language. I believe Assemblywoman Spiegel would like to address your questions.

**Assemblywoman Spiegel:**

I am going to start with your second question first. The second question relating to the newspaper and the legal notice is one of the challenges historically. Publications would spring up and fold quickly. Going back to before I ever came forward with any version of this bill, the state had in statute that the print publications that publish legal notices need to be in business for a minimum of two years publishing continuously. One of the provisions of this bill is that if a legal notice is going to be published in its entirety on the Internet, there needs to be a cross-reference back to the newspaper that specifies where

you can go and find the legal notice. If people are used to looking in the newspaper, they can go to the newspaper to find the website. It would also indicate where a person could get a copy of the notice for free.

Section 5 of the bill means the newspaper that is cross-referenced needs to continuously publish during the 30-day period. Section 9 talks to the legal definition of a legal notice or a legal advertisement so we could be accommodating these legal notices being published on the Internet. The two do work together and it is done as both enabling the publication of the legal notice on the Internet and safeguarding the public so they will be able to, in fact, find that legal notice.

**Assemblywoman Neal:**

I am trying to find the difference between A.B. No. 267 of the 77th Session and this bill. In your presentation in 2013, you said there were some due process concerns in terms of notice and access. Have we fixed that in this bill?

**Assemblywoman Spiegel:**

Yes, we have. The concern about due process is now being addressed by technology. As we mentioned, it is going to use technology and a process that is very similar to what legislators and other elected officials and candidates in this state are using for our campaign filings. The process consideration that existed two years ago was how do we know what you claim is published on the Internet is actually published? That will now be taken care of by two means. The first is that there will be email traceability that it was submitted, and it will be time and date stamped. The second is that there will be an affidavit that prints out that is time and date stamped, similar to how our contributions and expenses are time and date stamped by the Office of the Secretary of State. That was the biggest hurdle.

The second hurdle was the concern that people would not be able to access the Internet. Again, there has been more widespread Internet penetration over the last two years. More people have Internet access and more people now have Internet access than have newspaper subscriptions. If you do not have a newspaper subscription and you want to see a public notice, you have to go to the library. If this bill passes and you do not have the Internet and you want to see a public notice, you can go to the library as well.

When we look at the data in some of our larger counties, such as Clark County or Washoe County, we can see that fewer than 25 percent of households have subscriptions to the major newspapers, yet 98 percent of Nevadans have access to broadcast and 85 percent of Nevadans have Internet access. By putting the notices on the Internet, the public's access to the public notices

is vastly increased. Additionally, when the notices are only in print, they are not ADA-compliant. People who are visually impaired cannot read those public notices. With this technology, they will be able to have the computer read the notice to them. There are also multilinguistic capabilities that will be built in. Again, when you are looking at a public notice in the newspaper, it is written in one language. Through the use of new technology, more people will be able to have access to the public notice because they will be able to have it translated.

**Chairman Ellison:**

Notices are also published in county buildings and other places. You are saying only the library will post them, which is not true.

**Assemblywoman Spiegel:**

I am sorry, I did not mean to be misleading. For folks who are not going to a public building, they can have access to the public notices through the libraries. This is enabling legislation. It is not taking away from any of the current vehicles, it is just giving them another option.

**Assemblyman Wheeler:**

You say this bill provides options because it is enabling legislation. However, coming from a rural community where we have many elderly people, the option is going to be whichever one is cheaper. I am a little worried about this for the rural communities because many of the people I serve do not get out that much. They are not going to go to the library, which sometimes means 60 miles away. It is not right down the street. The newspaper is delivered to their house. I am a little worried about this bill. We had this discussion in the last session as well. In my community, the best option is the newspaper.

**Assemblywoman Spiegel:**

My mother was afraid of using her computer for many years. As soon as my niece moved away to go to college, the next thing I knew my mother was using Skype and other new technology. She is now texting so she can be in close contact with her granddaughters. My mother-in-law is 97 years old, and she uses new technology so she can keep up with folks. She cannot get out of her house, but she can bring the outside world in and is receiving more information than she could through other sources.

I understand what you are saying. I think people's use of technology has been changing over time. However, if the people who are publishing the public notice find that it is more advantageous to them and their community because the people they are trying to reach are using print newspapers, then that is the way they are going to want to go. That will maximize their effectiveness. If it is less expensive to be using one vehicle, if you are not



reaching your intended audience, then it is not a less expensive vehicle. When you are looking at any kind of advertising buy, you look at how much money you spend and how many people you reach. You have to look at it in terms of the population you are reaching. I could be posting something free on the Internet with no cross-marketing, but no one is going to see it. If there are only two people seeing it at a cost of \$5, that is going to cost much more per user than spending \$5,000 and reaching 20,000 viewers. The folks who are placing the legal notices also have an obligation to be reaching the intended audience. They will have the ability and the freedom to be using the vehicle that best suits their needs. That is what this bill is really about.

**Assemblyman Wheeler:**

It is great that your mother is using that technology, and it is also great that she has Internet that is high speed enough to do that. In some of the rural areas of Nevada, including about a mile from where I live, people are on a digital subscriber line (DSL). They will not be able to get these websites. I thought you should understand from a rural standpoint, the best way to do this is still through the newspaper because it is out there every morning.

**Assemblywoman Joiner:**

I appreciate your mission in trying to get information out to folks. I am always excited by the use of new technology, and I think we should be using as many channels as possible. I am glad to see this new website coming forward. You mentioned a substantial cost savings. Is this service free or is there a charge for it? It suggests that there be a link to the website in the newspaper. I am not seeing the cost savings, unless it is the per column inch. I am concerned about doing away with the newspaper option. Would you address the cost issue and how we make sure the people who are used to looking for these public notices in the newspaper know where to go?

**Mary Beth Sewald:**

There may be some misunderstanding about how this would operate. When we talk about hot links from one website to another, this would be a hot link from all of the broadcasters' websites to the Nevada Broadcasters Association public notices portal. There would not be a link between the newspapers website to this website. It would be all of the broadcasters' websites linking to this website for additional exposure.

**Assemblywoman Joiner:**

I thought there was somewhere in the bill that said the newspaper would include the link to where the information could be found.

**Assemblywoman Spiegel:**

It is not a link, but there would be a Uniform Resource Locator (URL). You cannot do a link from a printed piece of paper to a website.

**Assemblywoman Joiner:**

That is what I meant. The actual website address would be printed in the paper. That is where I am not understanding the cost savings. Would there be a charge for this service?

**Assemblywoman Spiegel:**

I cannot speak to the cost the broadcasters would charge. However, in general, online advertising is less expensive than print costs. For example, in 2014, Clark County spent \$995,745 printing legal notices in newspapers. If this bill were to pass and some of those notices were to be done through the broadcasters' site, a portion of that money would not need to be used expending inches and inches of print media. Purchasing perhaps an inch or two of print media explaining on which website the public notice can be found, the URL, and where a printed copy of the notice can be received free would cut down on the inches of print space that would be needed, which will cut down on the cost. If the model holds true, the cost of the broadcasters' website should be less expensive than its counterpart in print.

**Assemblywoman Joiner:**

I am wondering what the intent is when you have this website address in the newspaper. Will the names of the people or entities involved in the public notice be specific enough for others to know that would be something they are interested in? I am concerned it may just mention something like, "Public notices relating to the city," and list the URL. People would not know whether it was relevant to something they needed or not.

**Assemblywoman Spiegel:**

The intent is that there would be enough information so people would understand if it were a public notice they were interested in. It would include names and relevant information.

**Assemblyman Carrillo:**

What is involved in educating people regarding the implementation of this technology?

**Mary Beth Sewald:**

We do have an extensive public awareness outreach campaign planned. To testify on that will be KTVN Channel 2 news anchor Kristen Remington to discuss exactly how she would plan to go through public education campaigns.

We would do public service announcements and news stories. All 123 radio stations and the 18 television stations in Nevada would do an extensive campaign to make the public aware that this exists. As I mentioned before, we would include the print media and promote those platforms in addition to the Nevada Broadcasters site.

**Assemblyman Carrillo:**

What kind of legal ramifications would we be looking at if the website crashed or was offline for a period of time? A piece of paper will always be here, but the Internet can come and go. It also depends on the download speed. I have higher speed Internet, which is usually accessible. However, there were times when it was not accessible, and I had to call the provider to find out what was wrong with the Internet. I am concerned about the reliability.

**Nick Kaptain, Chief Executive Office, Adlava, LLC, Las Vegas, Nevada:**

Adlava, LLC is the web development agency hired to develop this website. Every website we are developing for the broadcasters' website will be on a server. We will have daily website backups for those files. If there were an issue, we would always have a backup we would be able to get online quickly.

With regard to Internet speed concerns, I do understand the concerns in rural communities. However, I think it is important to understand this project is not to replace newspapers, it is to supplement newspapers. Therefore, you will always have accessibility if you happen to have down time.

**Assemblyman Carrillo:**

I have another question in regard to section 13. It says, "...published in a newspaper or on an Internet website...." Why are you using the word "or?" To me, that should be "and" because now you are making a decision as to whether it will be print or Internet. It should be both.

**Assemblywoman Spiegel:**

The "or" is because the legal notices can still be published in a newspaper and not on the Internet. That part of it has not changed. The "or" is so if the full legal notice were published on the Internet, it would be permissible under the law.

I would also like to speak to your prior question where you were talking about technology and how the Internet can go down. I would like to share an anecdote. My first job was as a newspaper carrier. I used to deliver newspapers in all kinds of weather, including rainy days. Back in those days, the newspaper company I worked for did not provide plastic bags. If I was delivering newspapers on a rainy day, I was still protecting the newspaper as

best I could. I was either placing the newspaper in the slot that hung below the mailbox or it was stuck halfway in the door. There were many times when those newspapers were soaking wet. People would sometimes have to dry it out, sometimes there was downtime, and sometimes the information in the newspaper was blurred. I suspect those kinds of things still go on today. Even though the Internet is not necessarily available 24/7, newspapers are not necessarily accessible 24/7 either. Things can happen. Again, this is enabling legislation designed to increase public access to public notices.

**Assemblywoman Neal:**

You said the language is enabling, but I was looking for the word "may" in the bill. The only place I saw "may" was in section 11, subsection 6. How is this enabling? Every other place the word "shall" is struck out and replaced by "must." What has to happen and what is a maybe in this bill?

**Assemblywoman Spiegel:**

The reason this legislation is enabling is because right now it is not allowed to be fulfilling the public notice requirements. All of the "shall" language means it is a viable alternative and not exclusive. I hope that answers your question.

**Assemblywoman Neal:**

Yes.

**Assemblyman Flores:**

I genuinely like the intent behind this bill. It is true, I think the world is going in that direction and we are just anticipating that. Some may argue we are already there. I have two issues. First, when we serve by publication now, I know it is already being put on a website. It is already happening in the state of Nevada. I thought that was important because we have already addressed many of the issues you are talking about. I may not be reading the bill correctly, but we are talking about a specific portal and everything it is going to have. However, that is not in statute, that is just something you are hoping to do. There is nothing that guarantees us everything you are saying.

The other issue I have is as the bill is written, any website that falls under the definition of broadcaster will be able to do this, and any broadcaster will be able to have a website. There is nothing in this bill that forces me to use the portal technology that you are talking about. Any broadcaster can create a website and post a public notice. According to the way I read the statute, that has not been addressed. That is concerning to me because if we are going to go in this direction, we have to put more bite into it. Correct me if I am wrong, because I may have misread it.

**Assemblywoman Spiegel:**

Section 3 defines broadcaster as a person who holds a license to operate a broadcast radio station or broadcast television station issued by the Federal Communications Commission (FCC). That does define broadcaster and limits it considerably. Ellenswebsite.com would not count as a broadcaster.

Getting back to the first issue you raised, yes, the newspapers do have a website. It does not necessarily have all of the functionality that the broadcasters are speaking to. If you would like to put something in statute that would tighten some of the language saying there needs to be additional parameters with additional functionality, I would be happy to work with you on it. The bigger overarching policy issue that is really the consideration for this is right now there is a state-supported monopoly for the newspaper industry to be issuing public notices. Technology has changed, and if we are looking at having different media alternatives, we are taking away the state-sponsored monopoly on this. That is what this is really about.

There is an industry that feels they have a lot to lose, and there is another industry that feels they have a lot to gain. As a legislator, my priority, and what I hope all of our priorities are, is making sure we are doing what is right by Nevadans, and making sure Nevadans have access to public notices in the way they want and need to be getting information, and doing it in a manner that maximizes their ability to get the information. My public policy objective is to make sure public notices get to the public.

I do not like that there are friends fighting. I view the newspapers as my friends, and I view the broadcasters as my friends. More than that, the people of Nevada are my friends, and we need to be serving the public and getting information to them as best we can.

**Chairman Ellison:**

I appreciate your question, Assemblyman Flores. You just hit it on the head about these notices being published to any website. That is one of the questions that needed to be brought up.

**Assemblyman Flores:**

After listening to your response, it takes the intent of the bill in a different direction. We are trying to get rid of a monopoly. When we started the conversation, the intent was to ensure everyone was getting access. Again, we have it published in the newspapers and the newspapers are putting it on their websites. If the intent of the bill is to go after the monopoly, and I understand where that is coming from, then I think we definitely need to amend certain

sections of the bill to ensure we are 100 percent safeguarding the intent that I am talking about of ensuring everyone has access.

**Assemblywoman Spiegel:**

I am happy to work with you on that and make sure we address your concerns. I would be happy to work with Assemblyman Wheeler, as well, to address his concerns.

**Assemblywoman Shelton:**

I would like to get a little more into your intent. I think this bill will affect the elderly citizens in my district the most. I have had conversations with them about Internet access. I have given them options, including going to the library, but that does not go over very well with them. It sounds like the notices could be published either in the newspaper or on the Internet. I am wondering if people will miss something if they have the option of going to one place or the other.

**Assemblywoman Spiegel:**

If it is on the Internet and it is going to be counted as a public record, then it has to be cross-referenced in the newspaper so that people know where to get the information. The newspaper would also tell people where they could go to get a free copy, whether it is in person or a phone number that they could call and have it mailed to them.

**Chairman Ellison:**

Are there any further questions from Committee members? [There were none.] Is there anyone wishing to testify in favor of the bill?

**Brian M. Patchett, President/Chief Executive Officer, Easter Seals Nevada:**

I am in support of the bill. I am also a person with a disability. I have been visually impaired since the age of seven. I sit on seven different commissions and task forces where legal notices are often published related to meetings.

Easter Seals is a provider of services for about 8,000 people across the state of Nevada every year. This includes information referral, children services, helping people find jobs, and we work with people to become more independent. On top of all of that, we work with something called assistive technology. That is technology that helps people with disabilities access any part of their lives. For instance, in my case, I use voice output for my phone and computer, and I use large print. That has changed my life over the years and has helped me be successful in my life, both in recreation and otherwise.

In this situation, I am here to say I support the bill. We are also working with the Nevada Broadcasters Association on the accessibility of their portal and their websites to make sure this is accessible, not only to people with visual disabilities, but to people with learning disabilities, intellectual disabilities, hearing disabilities, or whatever it might be. We want to make this accessible.

One of the challenges we face is quite often just figuring out how to get these notices out to everyone. If we have the opportunity to add another way to get information out and make it accessible to anyone with a disability, it seems to me it is a very good idea. I would love to see more people attending the task forces and commissions I sit on. I would love to see more people who have disabilities engage in that. I can assure you, Easter Seals and the disability community will make sure these websites are accessible. They will hear from us if it is otherwise. We fully intend to help them make that happen.

**Chairman Ellison:**

Up to so many decibels, I am legally deaf, so the radio does not always help me.

**Jeff Fontaine, Executive Director, Nevada Association of Counties:**

We are here in support of A.B. 479. The bill is enabling. If the rural counties feel their constituents would be better served by continuing to publish legal notices in the newspaper, they could certainly do that.

With regard to access to the Internet and who is using the Internet, I am a member of the Nevada Broadband Task Force of the Department of Administration, Office of Grant Procurement, Coordination, and Management. That task force has been working for a number of years with Connect Nevada. Based on the data that was analyzed and published in the most recent report of that task force, 95.25 percent of Nevadans have access to broadband. That access to broadband means 6 megabytes per second download speeds. When you include mobile access, we are now at over 99 percent.

We understand one out of every five households does not subscribe to broadband. The fact of the matter is, broadband access is readily available in most communities. For Assemblyman Wheeler and other members of this Committee who have rural counties in their district, if you go to the Connect Nevada website, you can look at every town in the state. They have an individual breakdown of every county in terms of the providers for broadband in that county, the speeds, and the percentage of households that are actually subscribed to broadband. The information is there for you to look at. I would be happy to answer any questions.

**Chairman Ellison:**

We will let all the people who are here to testify do so, and then we will open it up for questions.

**John Fudenberg, Assistant Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County:**

Clark County supports A.B. 479. As Assemblywoman Spiegel mentioned, we spend nearly \$1 million in Clark County posting legal notices. This enabling legislation could potentially save the taxpayers quite a bit of money. I am available for any questions.

**Liane Lee, Government Affairs Manager, Office of the County Manager, Clark County:**

We are here today to support A.B. 479 as a cost-saving measure for local governments. As an example, our county clerk spent over \$34,000 for each of the past three fiscal years to publish public notices. We support any legislation that would give us greater flexibility to be more efficient and more responsive.

**Chairman Ellison:**

Are there any questions at this point from Committee members?

**Assemblywoman Neal:**

Mr. Fontaine, you stated some statistics about having broadband access, but households are not accessing it. We have a serious digital divide regardless of whether it is in the rural counties or the larger counties. There are people who cannot afford to pay for the service. How do we deal with that?

I believe the Nevada Broadband Task Force is awesome. However, we have not advanced very far. Even on the drive through the state from Las Vegas to Carson City, there are six or seven hours of no Internet access. There is no ability to function at all. You would need to have satellite in order to access anything traveling through Nevada. How do we deal with the fact that we are on the forward march for access, but the affordability factor is very prevalent? Some people cannot afford it because they are on a fixed income. We are not only talking about seniors, we are talking about regular working families who just do not have the money to pay for broadband. The digital divide is very real in Nevada. It is also real in communities of color.

**Jeff Fontaine:**

You are absolutely right. That is still an issue. I have been working on this issue for many years, and I think we have made tremendous progress over the years in trying to eliminate that gap.



With regard to the urban areas, part of what the Broadband Task Force has been doing working with Connected Nation and Connect Nevada is providing access for individuals who, for one reason or another, including cost considerations, cannot afford to subscribe to Internet service or buy their own computers. You have heard today about the libraries having computers, but there are other public computing centers that anyone can use. It is not just the libraries anymore. There are programs available to provide low-income individuals with refurbished, low-cost computers. There are many efforts taking place to try to address that issue.

In the rural areas, we have commissioners who live in very remote parts of our state who have Internet access. In some cases it is satellite, but in most cases there is a gradual expansion to provide Internet access to those rural areas. All of that information with regard to our underserved or unserved areas in the state can be found on the map I mentioned earlier. I am not going to tell you everyone in this state has Internet, but when you add up the mobile access, we are close to having 99 percent or greater access to Internet services.

**Assemblywoman Neal:**

When was the last time you went into a public library and tried to use the Internet? I have had that experience over the past year or so. My child is a religious library user. There is a two-hour waiting list and everyone is trying to use the computers. When you want to print something, it costs 10 cents. You have to add your name to the waiting list, and you wait for these 10 or 11 computers. If you are allowed to use the computers in the children's section, there are potentially 16 computers. It is not a feasible option to wait two hours to pull a public notice, even though it is available to you. I distinctly recall that there are people in the rural counties who know the access is there, but they want to keep it in the library. They do not want Internet access in their homes. I thought that was strange, but it was their belief, and it was what they wanted. We have a real issue in Clark County in terms of library access. There is a two-hour wait. There are many people who go to the public library and use the computer, but they also wait.

**Jeff Fontaine:**

I am not sure how to address that. When I take my kids to the library, you are right, they are full and there is a waiting list. We can look to see what other areas or venues there are for public computing access, in Clark County in particular. I believe there are more than just at the libraries. I understand what you are saying. You cannot just walk into a public library, get on a computer, and print out a public notice.

**Assemblywoman Shelton:**

This question is for either of the counties. You said there would be a cost savings. Could you give us an estimate of what you anticipate the cost savings would be for the counties?

**John Fudenberg:**

I really have no idea what the cost savings would be. We do not have rates as of yet. Nor do I know how many county departments would change their practices. I know how much we spend; I just do not know how much we would save.

**Liane Lee:**

Currently, our comptroller is calculating the costs that we think we could save. I would be happy to follow up with you. I talked about how much our county clerk had spent publishing these notices, which was over \$34,000 for each of the past three fiscal years. That is one of our departments out of 24 departments. We also have the sheriff's office, the police department, and other departments that could have a cost savings.

**Assemblyman Carrillo:**

Mr. Fontaine, in your testimony you said something to the effect that you would still have the option of placing the notice in the newspaper. In section 13, it says to publish in the newspaper "or" on the Internet. It does not say "and." That gives you the option of not using the newspaper and strictly using the Internet. You stated that you are going to keep publishing in the newspaper. You also said the cost savings would be astronomical, as every other witness has stated. There are still people out there who use the newspaper. We are going toward more media and social networking. Could you elaborate on how you are going to save money if you are still going to publish in the newspaper?

**Jeff Fontaine:**

My understanding of the bill is that this legislation would enable a county to choose to either continue publishing in a newspaper, as they do today, or provide those legal notices on the Internet with a cross-reference in the newspaper so people understand where they can find it on the Internet. I believe there are counties, rural counties in particular, that may choose not to take the option of publishing the legal notice on the Internet and continue to publish them in the local newspaper. The reason for that is the cost savings in the rural counties may not be as significant as they would be in the urban areas. Again, we view this as enabling. In our case, the counties could choose to either exercise that option or not.

**Chairman Ellison:**

Is there any further testimony in favor of the bill?

**Kristen Remington, News Anchor, KTVN Channel 2 News, Reno, Nevada:**

I am here in support of A.B. 479. Strictly from a broadcast journalist perspective, first and foremost our job as public servants is to keep that information that the public deems vital in the public eye. As we saw with all the statistics just moments ago, while it is changing and changing rapidly, it is still a choice. From a television perspective, it will always be our goal to reach the maximum number of viewers and online readers as possible, being ADA-compliant, and mobile. Being mobile is probably the key point from our perspective. We have done a lot of research with our viewers. We have found that in our audience, and I am sure this is the case with television viewers all across Nevada, they want their information now. They want it on their tablets, on their cell phones, they wake up and check their feeds, and they want to have a number of options to get the information they need, not only to view these notices but also place them as well. We see this as a very accessible resource for public records.

How are we going to raise awareness? As they alluded to earlier, we can be part of that robust campaign. We will do television news stories. We do a lot of "How To" news stories that guide our viewers with all different technological talents through the process. We also have longer format segments, like Money Watch Q&A, where we sit down with an expert who can guide them through it as well. We also have half-hour broadcasts and specials to dig deep into this. I believe there is a lot of opportunity for exposure from the broadcast perspective. We should also mention that any story we do air will stay online as well. It is not that it airs in two minutes and then vanishes, it will be on our website and subsequent websites as well.

**Craig Knight, General Manager/Program Director, KCEP-FM, Las Vegas, Nevada:**

We are a public radio station, minority-owned and operated. We are the community radio station. As far as fees, anytime we do a public notice, which is about three or four a year, it costs anywhere from \$600 to \$700 per notice. As a public radio station, we are serving the public.

I agree with the bill, and I support the bill because I think it will be another extension on how we reach our community as far as what is going on. When we place a public notice, it is really not noticed by our own listeners. Our listeners listen to us, they stream, and they have digital devices. I believe if we are part of this advertisement market for public notices, our listeners will have a chance to look at the notice as soon as they hear it. For instance, if they are on their smartphone and streaming us live and they hear a public service

announcement, while they are listening, they can look it up on their phone. There is easier access than with a newspaper.

I would also like to add that we are remodeling and we thought about dedicating our lobby computer to public notices for people who do not have access to the Internet. We have a lot of traffic in our radio station from the community. Those who do not have Internet access would know they can come to our station during business hours for access.

**Chris Way, Director of Digital Media, 8 News Now, KLAS-TV, Las Vegas, Nevada:**

I would like to make two points. With regard to free market competition, not only have you seen what the broadcasters are willing to do in terms of bringing a product, but I suspect that the newspapers would also adjust their pricing and provide a better product as well to better serve their readers.

The second point I would like to mention is that I am also the President of the Las Vegas-Clark County Library District. I can speak to the access of computers at the library. There are 25 different branches. If you walk into a library and the computers are busy, there is an alternative. People can call and schedule a time, so if they arrive on time, a computer will be available.

**Assemblyman Carrillo:**

Mr. Knight, you stated that the public notices you broadcast cost between \$600 and \$700. Are you under the assumption that if the notice goes on the Internet it will not cost you anything? There will still be costs involved.

**Craig Knight:**

There would still be a cost, but not as much as we are paying now, I believe.

**Assemblyman Carrillo:**

At first, but maybe not when this gets rolling. To me, it might be trading one monopoly for another.

**Craig Knight:**

I understand it as an option. I know the rural areas are pro-newspaper. I am speaking as far as my experience with my listeners. I think this would be a good option for them because most of them do not read newspapers.

**Assemblyman Carrillo:**

When you say option, should the option be the Internet?

**Craig Knight:**

An additional option.

**Assemblyman Carrillo:**

So the bill should not read just "or" the Internet, it should read "and" the Internet, "and" the newspaper, correct?

**Craig Knight:**

After listening to all the information, I would have to say it would probably work best if it was "and." That is my personal opinion.

**Assemblyman Moore:**

Do you see that we are legislating a cottage industry by this bill? We are creating an industry for advertising and allowing them to charge whatever fees they deem appropriate? I am a little concerned that we are legislating a whole new business. Do any of you see that at all?

**Chris Way:**

Essentially, we are introducing competition in the marketplace. I will use an example of telecommunications in Las Vegas. For high-speed Internet access, CenturyLink and Cox Communications are competing to provide high-speed Internet access, so the price is lower for both parties. This is the same type of situation. You will have two entities offering different products and competing on the features and the price.

**Assemblyman Moore:**

Should the free market not dictate that? Do we need to legislate this?

**Chris Way:**

I think the issue is that it is legislated as a monopoly now, and we are seeking to undo that monopoly so there is free-market competition, which there is not today.

**Chairman Ellison:**

Is there any further discussion? [There was none.] Is there anyone else wishing to testify in favor of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill?

**Barry Smith, Executive Director, Nevada Press Association:**

I would like to make a couple of things very clear. The newspapers already put all of these public notices on the Internet, on their individual newspaper sites, and on a statewide database operated by the Nevada Press Association that already exists, called PublicNoticeAds.com. It actually takes you to a national

database where you can search notices for almost every state. We also have a website called NevadaPublicNotice.com that serves as a landing site to help people get to the information about notices. We do this, we have been doing it, and we do it at no charge. I do not think you can get much more competitive than that.

As I read the bill, I am not really seeing a cost savings. There is going to have to be a print notice in addition to a web notice. There are actually a lot of things about this bill that I do not really understand. I do see that there would have to be a print notice and a web notice, and apparently, there is going to be a charge for the web notice. If the counties who pay these bills are seeking to start paying for web notices, that is news to me because we do not charge for that. The print notice goes in the newspaper, and they go up on the website every night. The website is updated with the current notices, and they are searchable by county, publication, date, keyword, et cetera. It would be news to me if they want to start paying for two notices.

Regarding the reference that there would be a URL published in the newspaper, I am not sure how that would work. Is it to a specific notice? The notice would have to be uploaded first to get that specific URL to that specific notice.

To give you an idea of what we are talking about, those notices in print would have to be specific enough so people know if they are affected or not. I have a notice from the *Elko Daily Free Press*, which is a notice of petition and hearing to terminate parental rights to an individual. You cannot use a generic notice. It must name the individuals. Here is another one regarding a notice of public sale on property stored in a storage shed.

As I understand how this is supposed to work, any broadcaster anywhere in the state could publish any notice. Notices for Clark County could be published on an Elko radio station's website or vice versa. Those are among the things I do not understand how they would work. These are very important issues regarding water rights, parental notices, property rights, et cetera. Those links or URLs they are talking about need to be archived. Will they still be active a year from now, 5 years from now, 25 years from now? Could you actually go back and read that notice? I really have my doubts about how that would work.

Mr. Hayes will testify about how this works in court. The expectation is that this is somehow going to be less expensive. I am not seeing that in this bill. I see a print notice, as we have now, that we already upload and make available on the Internet, and we have an established site at no additional charge. The concept here is there would still be the print notice, and then there would be an additional charge for the website notice. It may be cheaper in the short run, but

it very well could be far more expensive in the long run. It would not take too many challenges in court to become very expensive.

There was talk and statistics thrown out about how broadcasters are available in the state. These notices are not going to be broadcast, they are going to be on the Internet, where they already are. The broadcasters are not going to read the notices. They are not going to personally inform a person his parental rights are being terminated.

**Chairman Ellison:**

I use my cell phone a lot and get flashes. I have never received a flash about a public notice. A person will actually have to look for a public notice.

**Barry Smith:**

That is my assumption. The way our system is set up, you could set up an email alert that would notify you of a public notice you may be interested in. We have several people who are interested in foreclosures. These are based on key words an individual can choose.

**Assemblywoman Shelton:**

Currently, every public notice that is in your paper is also placed on the Internet. Is that correct?

**Barry Smith:**

I cannot say every single notice. It is not mandatory in statute; it is a voluntary system. Again, as we talked about in some of the rural areas, it is not as easy for them as it is in the urban areas. I heard the statistic that 95 percent of Nevadans have broadband access. However, I also know the FCC report from last week said 65 percent of rural Nevadans do not have broadband access. That is who you would be cutting out.

To summarize, in effect, this bill would reduce public notice, not increase it. It has the potential to make it far more expensive, not less expensive.

**Trevor Hayes, representing Nevada Press Association:**

We have submitted testimony from the Public Notice Resource Center, which is a nonprofit in Arlington, Virginia, that focuses on these things with a national reach ([Exhibit G](#)).

I would like to touch upon some of the highlights from their reports and the gist of what a public notice is supposed to do. For those of you who are not aware, a public notice can be for any number of things, including termination of parental rights and personal property issues. If someone wants

to sue someone else, but the person to be sued has moved and there is no known address, a notice is placed in the paper. It could also be that you forgot to pay your taxes. I have a rather well-off client who forgot to pay taxes on a property he owned. One of his friends saw it in the newspaper and called him to let him know. That public notice cost about \$8, and when he paid his taxes, he paid for the notice. That comes out of what the counties claim they paid. That \$900,000 amount Clark County paid, more than two-thirds of that is the property tax rolls, and we are working on an amendment this session that would cut that cost by 85 to 90 percent if the Legislature goes along with our version.

There are four key elements of a public notice. One of these is it needs to be published by an independent third party for verification that this happened. It cannot just be the county saying they placed the notice, or the person at the storage unit saying they placed the notice. A third party must be able to say it happened. In this case, we do not know how that would happen. We heard testimony from one of the radio stations that they have an FCC notice they must publish. Can they now publish it themselves and verify they did it themselves?

It must be archived. It is difficult to testify against this bill. We have read the bill and then we heard the testimony. The nexus between the two is very narrow, if any. We heard about this amazing website. It is not mentioned in the bill. I do not know if it exists at this point, or if it is a dream of putting it up. The bill says nothing about this centralized website. The bill states "the broadcaster's website." Any of these could be published on a Winnemucca radio station when they are trying to terminate someone's parental rights in Washoe County. There is no requirement in this bill that anything that is put on a Winnemucca radio station is then uploaded to this centralized website. We heard the broadcasters have a 98 percent reach in this state. They are not broadcasting on all of their platforms. It could be one radio station in one small town. Using their numbers, they say 25 percent of people subscribe to the *Las Vegas Review-Journal* in Clark County. That is far more than the website of any other radio station or television station in Clark County. The *Review-Journal's* website is actually the number one most visited website of any website that is viewed in the state. It has to be accessible. Where is the access to these stations?

Finally, public notices need to be verifiable. These notices are often used in court. The federal rules of evidence for court say that a public notice published in a newspaper is self-authenticating. That means I can show up and say the owners took my things from my storage unit and sold them, but here is the public notice they placed. It might say Travis Hayes instead of Trevor Hayes



and they put a wrong address. Maybe they did not have the right to sell it. What do we do in the case of a website notice? The rules of federal evidence now say the person who posted the notice from the website would have to testify to the process they used to post it, when it was posted, and how it was posted. They have to testify in person. The website we saw, if that is part of this, is a self-service website. The person who posted the notice would testify that everything was published accurately. There is no verifiable record. There is no history of when this was done. Newspapers last forever. I can show the newspaper in court. I do not have to hire a witness or pay the travel expenses for someone who may or may not work for the television station to testify on my behalf.

This is going to cost so much money in litigation. I am surprised the broadcasters even want to take this on because if their employees are actually the ones who upload the notice rather than this self-service site, their employees are going to spend more time testifying in court than they are doing their jobs.

**Assemblyman Carrillo:**

Mr. Smith, it sounds like you have done some homework regarding the Internet. What would you consider the most used website in Nevada?

**Barry Smith:**

As far as Nevada-based, the *Las Vegas Review-Journal* has 108,000 unique visitors per day.

**Chairman Ellison:**

Is there any further discussion? [There was none.] Is there anyone wishing to testify as neutral to the bill? [There was no one.] Assemblywoman Spiegel, do you have any closing comments?

**Assemblywoman Spiegel:**

There are a couple of misconceptions I would like to clear up. There have been discussions about where the cost savings are, how they would come about, and how this would work with the cross-reference. My attaché was able to bring up two copies of the *Nevada Appeal* from this past Saturday and Sunday. I can show you these offline if anyone is interested. In both papers, there is a large notice that takes up approximately 33 column inches. This is not an \$8 public notice. It is a very large expenditure. Right next to it are some smaller notices that take up perhaps 2 column inches, which would be less expensive.

If you look at the notice that takes up 33 column inches, it shows it is a Carson City Purchasing and Contracts Notice to Contractors, a bid number, then states it is for the West Eighth Street Sewer Replacement Project. It has a summary of the project and all sorts of information people would need to know if they want to bid on the project. If Carson City Purchasing and Contracts wanted to use the Internet instead of having the whole notice in the newspaper taking up 33 inches, it would still say who was placing it, what it was, where it was, and other important information. However, it would state the entire public notice could be found at a specific website URL. It would also state where you could go to get a copy of the notice free.

This bill does not require that public notices be placed on the Internet. This bill states that should someone wish to place their entire public notice on the Internet, they would be enabled to do so, provided it had the parameters that have been specified. Carson City might want to do that because it might be cost-effective for them to do so. People who are still looking in the *Nevada Appeal* for public notices such as this, would see there is, in fact, a public notice. With some of the smaller notices, such as the one noticing a lien sale that takes up about two column inches, it may not be cost-effective for them to use another vehicle.

At the heart of the matter, this is enabling legislation for there to be multiple vehicles that people can use.

Regarding the testimony from Mr. Hayes, one of his issues was nexus to the recipients. Because of the mandated cross-promotion in the local newspaper where the public notice would otherwise appear, that nexus exists.

Again, I am willing to work with Assemblyman Flores to make sure we have other language in the statute. I believe the technology concerns and the policy concerns that have been expressed can be addressed through the technology that has been developed. I am more than happy to submit an amendment that specifies that the four traits of public notice that Mr. Hayes mentioned be done through an independent third party, they be archived, accessible, and verifiable so we can make sure the public can be served in a way that makes sense. It is not mandating that anyone use any particular industry or any particular mode, but it is getting the notice out to as many Nevadans as we can in a way that they are able to best receive the information.

I thank you for your consideration.

**Chairman Ellison:**

Are there any further questions from the Committee members? [There were none.] I will close the hearing on A.B. 479. Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 10:33 a.m.].

RESPECTFULLY SUBMITTED:

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Lori McCleary  
Committee Secretary

APPROVED BY:

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Assemblyman John Ellison, Chairman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** April 6, 2015

**Time of Meeting:** 8:03 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 428	C	D. Gary Longaker, Nevada Rural Housing Authority	Written testimony
A.B. 479	D	Assemblywoman Spiegel	PowerPoint presentation
A.B. 479	E	Mary Beth Sewald, Nevada Broadcasters Association	Video
A.B. 479	F	Mary Beth Sewald, Nevada Broadcasters Association	Written testimony
A.B. 479	G	Trevor Hayes, Nevada Press Association	Public Notice Resource Center testimony