

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-ninth Session  
March 29, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:14 p.m. on Wednesday, March 29, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Julia Ratti  
Senator Joseph P. Hardy  
Senator Pete Goicoechea

**GUEST LEGISLATORS PRESENT:**

Senator Aaron D. Ford, Senatorial District No. 11  
Senator Scott Hammond, Senatorial District No. 18  
Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Counsel  
Debi Szaro, Committee Secretary

**OTHERS PRESENT:**

Mary C. Walker, Carson City, Douglas County, Lyon County and Storey County  
Dagny Stapleton, Deputy Director, Nevada Association of Counties  
Sue Merriwether, Clerk-Recorder, Carson City  
Bob Getto, Public Administrator, Churchill County  
Claudette Springmeyer, Public Administrator, Douglas County  
Don Cavallo, Public Administrator, Washoe County

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Sean Stewart, CEO, Nevada Contractors Association  
Jon Porter, Nevada Broadcasters Association  
Mary Beth Sewald, President, CEO, Nevada Broadcasters Association  
Phil DeLone, President, CEO, Reno-Sparks Convention and Visitors Authority  
Javier Trujillo, City of Henderson  
Mendy Elliott, City of Fernley  
Todd Brown, Board Chair, Nevada Broadcasters Association; General Manager,  
KVVU Fox 5  
Brian McAnallen, City of Las Vegas  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities  
Wendy Stolyarov, Libertarian Party of Nevada  
Barry Smith, Executive Director, Nevada Press Association  
Scott Sibley, Nevada Legal News; Nevada Press Association  
Jeff Haag, Administrator, Purchasing Division, Department of Administration  
Will Adler, Pyramid Lake Paiute Tribe  
Debra Harry, Pyramid Lake Paiute Tribe  
Ernie Adler, Pyramid Lake Paiute Tribe  
John Ocegüera, Reno-Sparks Indian Colony  
Robert Roshak, Nevada Sheriffs' and Chiefs' Association  
Kyle Davis, Nevada Conservation League  
John Fudenberg, Clark County  
Jeff Fontaine, Nevada Association of Counties  
Lee Plemel, Director, Community Development Department, Carson City  
Bum Hess, Storey County

CHAIR PARKS:

I will open the meeting of the Senate Committee on Government Affairs with Senate Bill (S.B.) 304.

**SENATE BILL 304**: Revises provisions governing public administrators.  
(BDR 20-1131)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

This bill deals with public administrators, and it was brought to me by one of the county managers I represent who happens to be in Lyon County. In some of the rural areas, there is a feeling that if an individual is allowed to get a percentage of an estate, it could be considered improper. Even if the public administrator is doing nothing wrong, there is always a feeling in the community that something could be wrong. What S.B. 304 seeks to do is to stop having

public administrators paid by percentage but by a salary set by each individual county.

MARY C. WALKER (Carson City, Douglas County, Lyon County and Storey County)

We support this bill. Compensation for public administrators has been a problem in the past. We have had some lawsuits and problems in Lyon County that we are trying to address. What we like about this bill is that even though it requires the board of county commissioners to set the compensation, it does not say how much it has to be. Some of the smaller jurisdictions would potentially set an hourly rate, while other jurisdictions may set a monthly rate. We appreciate the flexibility. Some of our public administrators have some concerns with the bill, and we are happy to work with the sponsor and public administrators to iron out the issues.

CHAIR PARKS:

This is what we call a one-page bill, and they often create significant challenge.

SENATOR GOICOECHEA:

A number of counties function with their district attorney serving as the public administrator. In others, there is an appointed public administrator and in some, they can be elected. Is that correct?

MS. WALKER:

I believe so.

DAGNY STAPLETON (Deputy Director, Nevada Association of Counties):

We support this bill because there is a desire by some of the rural counties for changes to the laws governing public administrators. The changes in S.B. 304 would only affect the rural public administrators with a salary that is not set in statute. We appreciate the clarification the sponsor put on the record that the salary could be anything the county could like it to be. This way, it does not potentially create an unfunded mandate for any of the counties. I believe all public administrators are elected. We heard there were concerns about the bill from public administrators, and we are happy to work with them on their concerns.

SENATOR GOICOECHEA:

I assume the board of county commissioners would have to set both the public administrator position and salary by ordinance.

MS. STAPLETON:

I do not know the answer to that, but we can find that information for you.

CHAIR PARKS:

As best as I can see, it looks like it has to be by ordinance.

SUE MERRIWETHER (Clerk-Recorder, Carson City):

In Humboldt County, Lander County, Lincoln County, Storey County and White Pine County, the district attorneys are the ex officio public administrators. In Carson City, the Clerk also serves as the public administrator.

Public administrators administer estates, as all other administrators do under statute. I believe these fees should be retained as other public administrators. Securing property where there is value takes a lot of time and commitment. Most of the time, the monetary values are minimal, but these smaller estates still require as much work to administer as the larger estates. I do support allowing the compensation set by the county commissioners for some of the smaller public administrators who are elected but also encourage that they are able to retain the fees, which is indicated in Assembly Bill (A.B.) 310.

**ASSEMBLY BILL 310**: Revises provisions governing public administrators.  
(BDR 20-103)

BOB GETTO (Public Administrator, Churchill County):

The public administrator is an elected position that has needed repair and fixing for decades. Public administration can work well in many communities, but there are horror stories that have left a bitter taste in many people's mouths. While I support the fact that it is time for public administrators to be compensated for their services, I am not sure I support the way S.B. 304 has been written because I want to ensure that this position is funded and paid correctly.

Public administration takes a lot of time. There are many cases I do in Churchill County where no funds are generated, and the work is nothing more than trying to secure a residence until a relative from far away can save enough

money to come to Nevada to at least see the last personal belongings of the decedent. It takes time to watch those estates, and there is no income generated from the property during that time. If we could structure a bill that has a legitimate compensation for this legitimate elected office, I might be able to support it.

SENATOR GOICOECHEA:

There are certain assets that would come out of an estate. If this bill passes and the compensation was set by the board of county commissioners, paid out of the general fund, I assume the jurisdiction would have access to whatever assets or fees that were charged.

MR. GETTO:

I think that would be acceptable in the rural counties where the economy is not rosy, but it is getting better. They need some kind of salary structure because I do not think a public administrator should get a yearly salary plus a percentage. There has to be a way to figure that out in some other way. Churchill County has given me a stipend of \$500 per month. That does not quite turn the crank, but it helps because I have pay for postage, office space rental, copy machine rental, gas, padlocks, chains, locksmiths and more. All of that has to happen whether the estate has a penny or not, so I am thankful to have the \$500 per month, but it is too low. We need to treat public administrators across the State more fairly.

SENATOR GOICOECHEA:

Looking at the bill, I think there is no better place to deal with it than at the local level, and that is what this bill allows.

CLAUDETTE SPRINGMEYER (Public Administrator, Douglas County):

I concur with comments of prior testifiers and would be happy to work with everyone to get this bill so it fits all our needs.

DON CAVALLO (Public Administrator, Washoe County):

I am neutral on this bill, although I am very concerned about the reputations of public administrators in the State. I support S.B. 304 in part but as mentioned before, A.B. 310 is a bill I also support, although they do conflict a little.

To answer Senator Goicoechea's question, there are four models for public administrators in Nevada. In Washoe County and Clark County, public

administrators are elected and salaried with health insurance and retirement benefits. I have ten staff members in my office, and we work under a budget of just over \$1 million. We only generate revenue of about \$175,000, and that goes back to the General Fund. In five of the counties, the public administrator is ex officio the district attorney's office. In Carson City, the clerk-recorder is the public administrator. That leaves nine Nevada counties at the mercy of being elected to an unpaid position. In some of these positions, when the public administrators are paid, they have to concern themselves and set at least half of their fee aside so they can pay self-employment tax, federal income tax and all the other costs mentioned by Mr. Getto. I am here to try and help facilitate getting something done to help these nine counties.

SENATOR GOICOECHEA:

In some of these nine counties, there are public administrators who are semi-appointed through the district attorney's office or the board of county commissioners. Is that correct?

MR. CAVALLLO:

The public administrator is a constitutional office that is elected in all of our counties. The position is attached as an ex officio to the district attorney in the counties I spoke of, and in Carson City, it is in the Clerk-Recorder position. However, in the nine other counties, it is strictly elected and not associated with any other office unless it can be done by a bill to attach it to another office like the Carson City Clerk-Recorder.

SENATOR GOICOECHEA:

I know that in some of the counties, they must be working de facto under the district attorney then.

MR. CAVALLLO:

You are correct. The public administrator has the ability to appoint a deputy, and that could be in the district attorney's position to appoint an investigator in their office to do that type of work. In two of the outer counties, there are vacancies in these positions and the board of county commissioners can then appoint those vacancies.

SENATOR SETTELMAYER:

This bill was brought to me by constituents in Lyon County. To them, it was akin to the police department—if you allow the police department to keep all the

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money from tickets, it looks bad. This bill directs all monies to the general fund and then the public administrator is paid out from there. We are not saying anyone is a bad actor, but sometimes it just does not look right.

CHAIR PARKS:

This looks like a good, simple solution. It needs a little work, but you are on the right track. I will close the hearing on S.B. 304 and open a work session with S.B. 175.

**SENATE BILL 175**: Designates November 12 as Asian Culture Day in Nevada.  
(BDR 19-74)

JENNIFER RUEDY (Policy Analyst):

This bill was heard in this Committee on February 27 and discussed again on March 17. It requires the Governor to annually proclaim November 12 as Asian Culture Day in Nevada. I have submitted the work session document ([Exhibit C](#)), and there are no amendments.

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

You had asked me to go back and talk to my folks about this bill. In that discussion, it was proposed that we might change the day to the Friday closest to November 12. When we proposed that, someone mentioned that we could run into November 11, which is Veterans Day, and we might have a conflict. Those who asked for this bill said they are happy to simply keep it on November 12.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 175.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

I will now open the work session on S.B. 246.

**SENATE BILL 246**: Revises provisions relating to public works. (BDR 28-667)

MS. RUEDY:

This bill was heard in our Committee on March 20, and it revises provisions relating to public works. There are three proposed amendments in addition to the work session document ([Exhibit D](#)).

SEAN STEWART (CEO, Nevada Contractors Association):

When we heard the bill on March 20, we had no opposition, but there were a few testifiers in the neutral position.

The first amendment ([Exhibit E](#)) is simply a legislative declaration because we wanted to get on the record that it is not the intent of any government in the State to limit competition, discourage competitive bidding or allow bid-shopping.

The second proposed amendment ([Exhibit F](#)) from the Nevada Contractors Association clarifies the design-build process. Originally, in the bill we had requested the threshold on design-build be removed. After further discussion, we drafted an amendment that would allow entities to do up to two projects a year under the \$5 million threshold.

The conceptual amendment ([Exhibit G](#)) has with two parts. The first prohibits an applicant for a construction manager at risk from substituting key employees that the applicant mentions at the time of bid, unless they become sick, leave the company, or the selection process takes more than 30 days. The purpose of that is to ensure the team that interviews for the project is the team that is chosen to complete the project.

The second part of this conceptual amendment has to do with the bid amount at the time of the interview when the team submits their price, including their overhead and profit. That is factored into the project. In the past, the language said "up to 20 percent." We want to make sure price is always considered, so we changed the language to, "at least 5 percent but no more than 20 percent" of the overall cost is considered by price.

CHAIR PARKS:

If there are no questions, I want to ask our legal counsel if there are concerns.

HEIDI CHLARSON (Counsel):

No.



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SENATOR GOICOECHEA:

Is there one more amendment that is a clarification on no-bid shopping?

Ms. CHLARSON:

No.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 246 WITH THE THREE AMENDMENTS FROM THE NEVADA  
CONTRACTORS ASSOCIATION.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR PARKS:

That takes care of our work session, so I will open the hearing on S.B. 218.

**SENATE BILL 218**: Revises provisions relating to public notices. (BDR 19-981)

SENATOR AARON D. FORD (Senatorial District No. 11):

I am here to present S.B. 218, which authorizes the publication of a legal notice or legal advertisement on the Internet in lieu of in a newspaper. The reason this issue is important now is because it is time to modernize the way Nevada citizens access legal notifications.

*Nevada Revised Statutes* (NRS) 238.030 requires legal notices to be published in certain newspapers. Senate Bill 218 authorizes the publication of legal notices on the Internet instead of in a newspaper. There is currently no requirement to review the cost differences of posting legal notifications online or in print, and this bill requires bids to be obtained.

Senate Bill 218 will ultimately make two improvements to Nevada laws. First, it will increase public access to important legal notifications. Second, it will increase fiscal accountability for publicizing legal notices and legal advertisements. The way our citizens access information has been changing, and newspaper readership is declining. The Pew Research Center survey for 2015 reported that 16 percent to 28 percent of adults aged 18 to 54 read a

newspaper daily. This percentage increases modestly to 38 percent for adults aged 55 to 64 and up to 50 percent for adults over the age of 65. This information concerns me because it means that more than half of our adult citizens may never have the opportunity to see important legal notices.

Last year, the 2016 Pew survey reported that 88 percent of American adults have access to the Internet. Today, 96 percent to 99 percent of adults aged 18 to 50 have access to the Internet, and although Internet usage continues to have gaps for older adult populations, the gaps are shrinking. In 2016, 87 percent of adults aged 50 to 64 had access to the Internet and 64 percent of adults over the age of 65 had access. In addition, 95 percent of adults have a cellphone, and 77 percent of adults have a smartphone with Internet access.

For the small percentage of adults who do not have computers or smartphones, Nevada public libraries continue to have free Internet access. This information tells me that public access to important legal notifications may increase by posting on the Internet.

In 2007, West Virginia released a special report from the legislative auditor titled *Study of Statutory Legal Advertisements*. This study found that if government entities were permitted by statute to place legal advertisements on the Internet, it could save money. In West Virginia, that amounted to more than \$3 million per year.

Senate Bill 218 provides that before a governmental entity enters into a contract with a newspaper, broadcaster or an association of broadcasters to publish a legal notice or advertisement, at least one bid for services must be obtained from each type of entity for cost comparisons. Although the governmental entity is authorized to accept the proposal determined best-suited to meet its needs, this fiscal information will increase cost efficiencies.

According to the National Conference of State Legislatures (NCSL), there are at least 12 states that have recently enacted laws relating to statewide electronic legal notices. Similar to S.B. 218, the states of Idaho and Virginia authorize posting online. In the states of Alabama, Florida, Maine, Massachusetts, Minnesota and Tennessee, notices are required to be posted online in addition to being printed in a newspaper. Some states require postings on a statewide legal notice Website in addition to being posted in a printed newspaper.

Breaking the bill down, section 1 amends NRS 238 and sections 2 through 10 provide definitions. Beginning on page 3, section 11 provides that a legal notice or legal advertisement must be published in certain newspapers or, unless prohibited by a specific statute or regulation, on an Internet Website that is maintained by certain broadcasters or associations of broadcasters.

As defined under Section 3 of the bill, a broadcaster must be licensed to operate either a radio or a television station. Section 11, subsection 3 provides that if a legal notice is published on the Internet, it must contain the mailing address and telephone number of the governmental agency where a citizen may request or obtain a hard copy of the notice or advertisement. The remaining subsections under section 11 on pages 4 and 5 clarify what happens if a newspaper does not meet certain specifications or suspends activity, or if the Internet address is interrupted.

Section 12 provides clarification that the measure affects the posting of "legal advertisements" as opposed to general advertisements. Section 13 clarifies that newspapers and the Internet are deemed equally competent for posting legal notices or advertisements. Section 14 adds the Internet as a means for publication of a legal notice or legal advertisement.

Section 15 provides that before a governmental entity enters into a contract with a newspaper, a broadcaster or an association of broadcasters to publish a legal notice or advertisement, at least one bid for services must be obtained from each type of entity for cost comparisons. The governmental entity is authorized to accept the proposal determined as best-suited to meet its needs.

Section 16 provides that a legal notice or advertisement that is published in violation of the law is deemed void. Sections 17 and 18 make clarifying references to other sections of law impacted by the changes included in this measure. Finally, Section 19 provides that this measure is effective on July 1.

SENATOR GOICOECHEA:

How will the record be stored? Newspapers are typically maintained for a long period of time. Will the radio, TV or Internet be required to maintain that record?

SENATOR FORD:

The short answer to your last question is yes. The means by which they will do so can be explained by those testifiers who will follow me.

SENATOR RATTI:

Does this bill create a second mechanism for posting so government entities could still choose to use either a newspaper, a broadcast site or an Internet site?

SENATOR FORD:

It does provide alternatives but not to the exclusion of other entities. When you get the cost comparison, it is for informational purposes and the governmental entity may decide to go with the newspaper instead of the Internet, even though it is cheaper.

SENATOR RATTI:

How does the public know where to look?

SENATOR FORD:

That is another area I will defer to the upcoming testifiers.

SENATOR HARDY:

In the bill, section 15, subsection 3, it says, "The governmental entity may reject any or all proposals, or may accept the proposal determined best for the interest of the governmental entity." Can they accept both?

SENATOR FORD:

I believe there is limiting language in the bill regarding that, so conceivably yes, they could decide to go on both the Internet and the newspaper.

JON PORTER (Nevada Broadcasters Association):

There are a few reasons why public notices are important and that they be handled by a third party. Public notices are for the benefit of not only the community but to the government itself by providing transparency, efficiency and an opportunity for businesses that want to be a part of the public process. Public notices also provide revenues, whether it is to the broadcasters or the print media.

Most importantly, this bill provides a level playing field. With technology today, many people are getting news on their computers, notebooks and smartphones. In leveling the playing field, public notices make sure the family who may have some item before a city council, county commission or the State—whether there is a wellness issue in the family that needs to be published or whether

there is a business that would like to take part in the professional and business side—can easily get access to that information. I travel a lot and try to stay up with the news in Nevada and across the Country, but it is difficult to do so with a printed piece of paper. I do not discourage the use of the print media, but we are moving into a generation where it is important that there be other options.

Recently in Pennsylvania, a state senator asked the secretary of the Department of Health and Human Services if that Department had published a notice in a paper or in another form of a regulation being considered that would literally shut down Opportunity Villages in that state. The secretary did not know the answer, so he brought in a staff person to explain that they had published that notice in a paper. The senator asked if it was published anywhere electronically, adding that 30,000 families would be affected by this change in regulations. The letter of the law had been followed with the publishing of the public notice in the newspaper, but the senator asked how families were supposed to find out what was happening with that regulation.

I know there is a question regarding the liability portion. When the Nevada Broadcasters Association was formed, the broadcasters put their licenses on the line. If they do not perform properly, if there is a question of impropriety or if something is not published properly, they are at risk of violating their federal license. The print media has its accountability, and the broadcast media does too. This legislation allows for communities of all sizes to make the decision they would like.

MARY BETH SEWALD (President, Nevada Broadcasters Association):

Senate Bill 218 is enabling legislation that would allow a new digital option for public notices to be posted on a Website that would be completely funded and administered by the Nevada Broadcasters Association. It would save taxpayer dollars and provide government entities, agencies, municipalities and individuals with a choice when it comes to public notices. I will show a short video to better illustrate how easily this process works.

This bill imposes no requirements on the public or government, and there is no financial impact to the State budget. It also provides a choice to what has historically been a statutorily imposed, closed market monopoly. Not only are broadcasters not looking for money from the Legislature, our goal is to save government entities some money.

There is a proposed amendment to this bill regarding a request for proposal (RFP) process, which strikes section 15, subsection 3 of S.B. 218 that would require the RFP process ([Exhibit H](#)). This bill will not be requiring an RFP process, although any entity could certainly proceed with one. We are removing the requirement because we think that would be somewhat onerous.

Using the Nevada Broadcasters Association Website as a public notice option would save taxpayer dollars by offering a choice. We are not advocating the removal of the newspaper option, but we do want to provide another option. This digital option and Website will be available in all platforms, from desktop to tablet to mobile device. Today, 95 percent of Nevadans have access to high-speed broadband Internet service, and 99.99 percent of Nevadans have access to mobile broadband. We know there are some gaps in the rural areas, and we are confident that as the State moves forward, eventually, these areas will be completely accessible.

People would be able to receive push notifications on their devices by signing up with any government agency they are interested in. Not only will the Nevada Broadcasters Association provide a print function to the person publishing the notice, but the Association will be hiring a paralegal who is a notary public and creating an open file system with print copies at our office as the public notices are created. I have submitted my testimony outline ([Exhibit I](#)) and a copy of my slide presentation ([Exhibit J](#)).

SENATOR GOICOECHEA:

I am one of those people in 2,000 who could not turn a computer on. You are saying that you will publish the notice on the Internet, store it and archive it in your files. If I want to access it, who would I contact?

Ms. SEWALD:

You would be able to check the archives online or call our office, and we could pull a paper copy and mail it to you.

SENATOR GOICOECHEA:

You would have to charge for that or you would be inundated, is that right?

Ms. SEWALD:

We currently do not plan to charge for that. Because of the online access, most people will be able to access this information online at our Website.

Section 11, subsection 3 of S.B. 218 states that any person who publishes a public notice on the Nevada Broadcasters Association Website will be required to include his or her mailing address and the telephone number of any governmental entity from which a person may request or obtain a copy of the legal notice or legal advertisement. Data reliability will be very important in this system, so all public notices will be done as a PDF file so it is not changeable once posted, verified and vetted by our office.

SENATOR RATTI:

You have been talking about the Website, but you do not have a business model for it. Did you build it in advance of this legislation passing?

MS. SEWALD:

We do have a business model. The Website is in process and nearly finished. We have a prototype of the completed project.

SENATOR RATTI:

Was it custom-designed for the Nevada Broadcasters Association, or is a third-party vendor doing this for states across the Country?

MS. SEWALD:

This Website is being built by Adlava, an Internet company in Las Vegas that currently works on the City of Las Vegas Website. It would be facilitated through the Nevada Broadcasters Association office.

SENATOR FORD:

Recall that there are 12 other states already doing some version of this, so there very well may be a third party out there attempting to get into the business. While you have seen an example through the videos of how an Internet-based public notice system would look through the Nevada Broadcasters Association, this is by no means exclusive to them. Companies that want to come in and provide the same type of service would be authorized to do so under this bill, including print media.

SENATOR RATTI:

Section 9 says, "legal notice or legal advertisement, means any notice or other written matter that must be published in a newspaper or on an Internet website maintained by a broadcaster or an association of broadcasters." To me, that

says it either needs to be printed in a newspaper or this is the only online option. Am I reading that incorrectly?

SENATOR FORD:

No, your reading is certainly a plausible interpretation, but that is not the intention. If the word "in" were to say "by" a newspaper, then clearly, that would encompass that, however a newspaper communicates. I am open to recommendations that would accommodate what I have just indicated.

SENATOR RATTI:

That is my question. I am not sure we want to open this up to just any Internet company anywhere because I am not sure they have that responsibility of archiving and making the public notices available for a court case 50 years from now. It seems to me it should at least say, "or an Internet website maintained by a broadcaster or an association of broadcasters or a press association." This does seem to give one particular organization significant standing.

SENATOR FORD:

I understand. Further to your point, this may appear to be a print versus broadcast bill, but that is not my view. The issue is one of choice when it comes to how we want to communicate to the public. You are right that we are looking to provide choice and not offer exclusive opportunities to one entity over another, which is what has happened here because of a 1925 statute. Imagine how much the world has changed since 1925 when this idea was first enacted.

SENATOR RATTI:

Certainly, broadcasters started as folks who produced television. Speaking for myself, I watch more "Saturday Night Live" on my smartphone and through YouTube than I do on my television anymore. The same is true for print media. Most of us are reading the newspapers online. The bigger-picture question I have is that the broadcasters have put a lot of thought and effort into making sure there is a Web presence specifically tailored to accomplish this task, but I do not know that they are the only ones positioned to do that. I want to make sure we keep the flexibility in there. If the real point of this is choice for local governments to bring down costs, we have to keep some competition in the market.



Is there commitment on behalf of the Nevada Broadcasters Association that when the technology becomes obsolete it will be maintained and archived? It is very important to have access to this information in perpetuity. Right now, if a public notice gets printed in the newspaper, it gets archived in the State Archives, and you can go find that newspaper many years down the line. What is the assurance that we can go find the public notice many years down the line with this system?

MS. SEWALD:

We absolutely know that is a critical part of this—to be able to go online, search for a public notice and find it in the archives, whether in digital or print. We are in discussions with Switch data center, to provide the ultimate in security and sustainability, archiving through their facility, probably in Las Vegas.

SENATOR RATTI:

That is a fantastic first step because that gives you redundant access to current data. Thirty years down the line, how do we make sure that data is still in a software program that can be accessed?

MS. SEWALD:

This question has come up several times. We are talking with Switch about ways to be able to archive that data in perpetuity and then provide access to it as technology changes.

SENATOR RATTI:

For example, I cannot access my own personal business's QuickBooks files from four years ago because the version changed.

SENATOR FORD:

There are companies out there that have already had to tackle this. If you file your taxes online through a third-party vendor going through the IRS and then you need to go back 15 years, there are platforms that can do that. That process the government might undertake would ask those same questions about what capacity an entity would have to ensure that we will have access to this information in 50 years. The answer to that may very well determine whether a governmental entity will decide to stay with a newspaper or go with a technological company that can allow public notices via the Internet.

SENATOR HARDY:

Full disclosure, I am over 65 and I still read newspapers. I am encouraged that you folks are interested in keeping something in print. How do you make your money?

MS. SEWALD:

We would make money on this; although that is not our first goal, it is part of the equation. We cannot afford to do it for free because we will be incurring the cost of the Website, maintenance and people who we will have to hire. The way we will make money is to charge an amount for the public notices as they come in, letting the market determine the cost.

SENATOR FORD:

My testimony referenced what happened in West Virginia, so I would flip the question just a bit. Assuming we could find a company that would satisfy our desire to ensure that people get access to documentation 50 years down the road, how does it save our State money? In West Virginia, a lot of money was saved. Those individuals or entities that are able to capitalize on the 1925 statute make money off of this. That is part of why this appears to be a print versus broadcast battle because money is certainly at issue. My primary focus of bringing this was not how much money can the newspapers lose or the Broadcasters Association make. The focus remains how can we ensure that the public is getting the notices they need in the best way forward and, perhaps, save money for the State in the process.

SENATOR HARDY:

Being over 65, I still have the opportunity to read the newspaper online. They probably have legal notices, too, so maybe this is like Uber versus the taxicabs. Every bit of the newspaper I read in hard copy is also online. This model you are proposing does not require a subscription. Do you need social networks to access public notices?

MS. SEWALD:

It would be free, and you would not have to be on any social media platforms like Facebook or Twitter.

SENATOR GOICOECHEA:

To put it in a nutshell, we would go on the Website and look up the legal notices there from wherever we live. It would not be broadcast on television. Is that correct? From the eastern side of the State, we depend on Utah news.

MS. SEWALD:

Yes. The public notices will be on a public notice Website. They will be promoted by the radio and television stations throughout the State, so people know where to go to get those public notices. There may be situations where a municipality or a county has an event that has been put into public notice, but they want more publicity. In those cases, our news stations would have the opportunity to cover those.

SENATOR GOICOECHEA:

A lot of the rural counties I represent would only be able to get this news via radio. Lincoln County does get Las Vegas television, but once you get to White Pine County, Eureka County and Elko County, we only get news from Salt Lake City. We would look forward to you fixing that as well.

SENATOR FORD:

I am wondering now if Nevada public notices are getting put into Salt Lake City newspapers. We need to be able to get the public notices out there as well. This would provide that opportunity.

SENATOR GOICOECHEA:

The rurals depend more on the free press with papers like *The Eureka Sentinel*. For years, we have worked on fixing that on the federal level, trying to get us expanded where we can get at least Nevada news.

SENATOR RATTI:

It seems like there is this general NRS chapter around noticing. We heard a bill in the Senate Committee on Natural Resources about some postings for the Board of Wildlife Commissioners for the Department of Wildlife that were specific to hunting tags. By changing this chapter in NRS, do we sweep in all those noticing requirements or do we have to go find them in State law?

HEIDI CHLARSON (Counsel):

The way the bill is structured, it is intended to capture those existing sections of law that require some type of publication in a newspaper, so we would not have

to bring in all those sections and amend them. If a section of law says something must be published in a newspaper, even though that section may just say provide the option for the newspaper, this bill would allow the publication to be in the newspaper if that was the option chosen, or it would be through the Nevada Broadcasters Association.

SENATOR GOICOECHEA:

With the flexibility in the bill to go either-or, it probably will provide for a gradual transition. There are some people like myself who are not very techie and who will probably be slow making this move, but I agree that it is where we are going.

CHAIR PARKS:

Senator Ford, you mentioned that the National Conference of State Legislators (NCSL) indicated there were 12 different states that have recently enacted laws relating to statewide electronic legal notices. Is there a sample of a state we could look at to see how it is operating with these laws?

SENATOR FORD:

Yes, there are. Of the 12 states NCSL noted, Idaho and Virginia both authorize posting online. We could take a look at their systems online, as they are more aligned with what we are proposing with S.B. 218. There are other permutations of the laws in Alabama, Florida, Maine, Massachusetts, Minnesota and Tennessee, where notices are required to be posted online in addition to being printed in a newspaper.

PHIL DELONE (President, CEO, Reno-Sparks Convention and Visitors Authority):

The Reno-Sparks Convention and Visitors Authority (RSCVA) is in support of this bill. We have spent \$3,500 so far this year on publishing public notices. This bill will modernize the posting process, and the RSCVA will be able to reduce the cost of staff time.

JAVIER TRUJILLO (City of Henderson):

I support this bill and especially the amendment proposed by Senator Ford to delete the RFP bidding requirement, [Exhibit H](#). That was the only concern the City of Henderson had with the original bill. We appreciate the permissiveness of the legislation to allow a local government to choose between keeping our public notices in a newspaper, with the Nevada Broadcasters Association or

both. That is a good option for us to be able to capture as large an audience as possible.

SENATOR GOICOECHEA:

If you had something important like a land sale, you could put that in the newspaper, and then a less critical post might go on the Internet. Could you envision any conflict if you were to post part of a public notice on the Internet and part in the newspaper?

MR. TRUJILLO:

For the critical postings like land sales, we may choose to use both mediums. We are aware that not everyone reads a newspaper and that 80 percent of people are using technology. Having the option is what we really like about S.B. 218 because we can use both mediums for many postings, and there might be times when we will use just one. It would depend on the type of posting.

MS. WALKER:

We support this bill. We have spent many years trying to modernize our public noticing. This is a nice, even-handed way to do it because it gives us the option that some of the smaller jurisdictions may still continue to publish notices in the newspaper. It is a good transition.

MENDY ELLIOTT (City of Fernley):

We support S.B. 218 and especially like the flexibility this bill would provide the City of Fernley. I echo all the comments that were previously stated.

TODD BROWN (Board Chair, Nevada Broadcasters Association; General Manager, KVVU Fox 5):

It cost the Nevada Broadcasters Association a lot of money to template this and come up with a business model, so it is a very heavy commitment on our part. We have nearly 90 licensed radio and television stations in the State, reaching more than 95 percent of Nevadans every week. We take that very seriously and are always looking at ways to serve the communities and counties we represent.

As broadcasters, not only do we inform the public, we are the first responders to emergency situations. A few years ago, we were asked to address a problem in the State with methamphetamines and addiction, and we spent millions of dollars of time and effort to raise that awareness and education level about that

issue. We have also worked with issues like schools, foreclosures, bullying and human trafficking; now, with the Governor's Office, we are looking into the effort to combat opiate use in Nevada. As broadcasters, we are committed to these issues. We are also committed to provide a fair choice for public notices to ensure that if there is something in the community being affected by information in a public notice, we want to get that out.

Nevada is making advances in technology with the influx of companies like Tesla, Switch and Google, and it is time for us to go this direction into the future. We want the Nevada Broadcasters Association site to be a Web-based solution and a viable option for the whole State and to save government taxpayer dollars.

SENATOR HARDY:

I get the impression you are not going to sell ads or share email addresses and make money that way.

MR. BROWN:

We have not addressed that.

BRIAN MCANALLEN (City of Las Vegas):

The City of Las Vegas supports S.B. 218. We appreciate the option this bill provides and the fact that it is permissive. The amendment, [Exhibit H](#), also addresses one concern a few of us had. Public notification is an extremely important issue for us at the City of Las Vegas, and we want to ensure we are reaching as many people as we can. With the changing technology and with people moving away from the print media into other devices, this is another option for us to reach a population we probably have not been able to reach before.

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):

We support this bill, and we agree with Senator Ford's comments that it provides the possibility to reach more people with public notices while also saving local governments some money in complying with the advertising requirements.

MS. STAPLETON:

We support this bill and appreciate the additional choice it gives our members in publishing public notices.

WENDY STOLYAROV (Libertarian Party of Nevada):

The Libertarian Party of Nevada dislikes any requirement by the State that an individual must put their funds into any organization coffers. We agree that allowing individuals to comply with public notice requirements online rather than in a physical newspaper would be substantially more convenient and less expensive. We also agree with the technological need for this bill. While we dislike the promotion of any particular professional organization, we understand that credible newspapers like the *Reno Gazette-Journal* would also be able to post public notices online, in addition to the Nevada Broadcasters Association. An online option is vastly better for consumer access than a monopoly, especially a monopoly held by an industry rooted in the past rather than the future. We support S.B. 218.

BARRY SMITH (Executive Director, Nevada Press Association):

Newspapers have long recognized the value in placing notices online. This has been an interesting discussion, but I think there is a misconception. We at the Nevada Press Association (NPA) already do all this, and we have been doing it for seven years at no additional cost. When you publish a notice in a newspaper, it goes online. At the larger newspapers, the public notices are uploaded every night; the smaller papers do it manually, usually once a week or when the edition comes out. Those notices are then uploaded to our statewide compilation site <[www.publicnoticeads.com](http://www.publicnoticeads.com)> that has Nevada notices and notices from 47 other states and the District of Columbia. The NPA also has a site people can access <[www.nevadapublicnotice.com](http://www.nevadapublicnotice.com)> that is used as a landing site with links to these other sites.

In most cases, the newspapers themselves publish the public notices on their Websites. In southern Nevada, The *Las Vegas Review-Journal* has a Website <[www.rjlegalnotices.vegas](http://www.rjlegalnotices.vegas)> where it posts all its public notices, using <[www.rjclassifieds.vegas](http://www.rjclassifieds.vegas)> to post classified ads and legal notices. These are in addition to the print notices. Those notices are then uploaded to our aforementioned statewide compilation site. The issue is not a choice of choosing between newspapers or online through the Internet because it is both newspapers and online since 2010.

People deserve as much notice as possible of the important information in public notices. This includes not just notice of government functions such as city ordinances, public bids and zoning regulations but also protections of individual rights, such as termination of parental rights, summons in civil lawsuits to sell property and judgment enforcements. These are all situations where personal property is at stake, so those situations deserve both kinds of notice and as much notice as possible. I do not think this bill helps that. In fact, it would allow governments to take away the publication of those public notices in a newspaper.

You can search the Nevada public notices site, get push notifications, and email alerts for whatever key word you want. I had a phone call yesterday from someone who wanted to search for notices containing the word "townhomes." I directed the caller to our site and had him search until he found the notices he was looking for. Another subscriber, who I assume is a contractor, wanted to do a search for concrete, so anytime that word comes up in a public notice, he gets an email notifying him of that notice.

You mentioned other states requiring in statute that notices be placed online. In 2009, Utah allowed online public notices only. In 2011, they reversed that action to go back to require print notices as well. Today, there are no states that allow only online notices.

In the 12 states referenced earlier by NCSL, I am fairly certain that the way the statute reads, the public notice is required to be in print and online. Even in this building, you do not give people who are proposing bills the option of doing it in paper form or on the Nevada Electronic Legislative Information System. Instead, you provide both so people can choose. The system you are proposing here would say some public notices are on paper, some are online and some are on a different Website. I am troubled by how this would actually work.

People use the terms public notices and legal notices interchangeably, but there is a distinction. For example, in property rights, there is no court standard established in this Country for what qualifies as an online notice that is adequate to meet the court standards. You will find some examples from the Public Notice Resource Center ([Exhibit K](#)) as to why that is true. The difficulties in verifying online notices are spelled out there. When you talk about archiving and having a print copy available, both of these important safeguards are not in



this bill. The choice of where to read notices is being given to the government, not to the consumer or the reader.

Two years ago, there was a bill from Senator Parks on assessor rolls. It was something we had been fighting for years, but we conceded to the system of those assessor rolls with property rates for individuals being posted online. There is still a required notice that goes in the newspaper to direct people to where they can find the online lists. Texas, Wisconsin and Kentucky all did interim studies last year on whether they should allow online-only notices, and all three maintained they still needed the print notices in addition to online.

There are some specific problems in S.B. 218. In section 3, the definition of broadcaster includes basically any licensed broadcaster anywhere. This would allow Clark County to publish its notices on the Website of a radio station in Elko. The public notices could be on the Website of a radio station in Minnesota. In addition, lots of people hold broadcast licenses. One example here in Carson City is the Brewery Arts Center (BAC), the local art center. It holds a low-power radio frequency broadcasting license. Under this language, the BAC Website would be eligible to publish public notices. I do not think that is what was intended, but that is how broad this language is.

Section 9 of the bill allows notice of "any federal statute or regulation," which is a direct conflict of interest for broadcasters. They are required by the Federal Communications Commission (FCC) to publish notice in a local newspaper whenever there is a change in their license. Under this bill the way I read it, they can publish their own notices. It boils down to one word in this bill, the word "or," which is to put the notices where they would like to rather than using "and" to stipulate that they need to also be in print. I would argue that section 11, subsection 1, paragraph (a) should say "and on the Internet."

Several places in the bill, including section 11, subsection 3, refer to "an Internet website maintained by a broadcaster or an association of broadcasters" as the entity to publish notices online. It does not say anything about the newspaper Websites or the NPA Website, where we are already doing this. As Senator Ratti mentioned, if we are talking about a level playing field, this bill does not do it.

Regarding section 12 of S.B. 218, it is important to point out that several years ago, the U.S. Postal Service (USPS) changed the second-class mailing permit to

a periodicals permit. That has never been cleaned up in NRS and is the standard. Currently, not every newspaper in Nevada is qualified to publish legal notices. You have to hold that periodical permit that requires an audit by the USPS.

SENATOR RATTI:

Can you talk about how your Website works and if you have done anything around archiving?

MR. SMITH:

Yes, the notices are archived. There are hundreds of thousands of notices archived on the Website that you can search; however, it only goes back to 2010. Other states have mandated that if a notice is in a newspaper, it must be on a Website. We do not have that language in Nevada, so it is a voluntary program, and not every notice is on there. I would be speculating, but it is probably around 90 percent of the notices that are on the Website.

SENATOR RATTI:

Is it searchable?

MR. SMITH:

Yes, by county, publication or keyword, and you can sign up for push notices whenever a keyword shows up in a notice.

SENATOR RATTI:

How would a local government upload directly to a Website?

MR. SMITH:

You have to go through the newspaper, and they do it. That is one of the insurances against people just uploading something or changing something on their own.

SENATOR RATTI:

Is that in real time?

MR. SMITH:

No, it is as it is published. Nightly, at the *Las Vegas Review-Journal*, the *Reno Gazette-Journal* and the Swift Newspapers based here in Carson City, the notices are automatically uploaded, so they are available the next morning. The

weekly newspapers manually save a text file and upload the notices, probably, once a week.

SCOTT SIBLEY (Nevada Legal News; Nevada Press Association):

Newspaper publication is the best spot for a permanent record. In Clark County, there was a land sale with a deed restriction that it could only be a cemetery. It was published in the legal notice that way. When the deed was issued to the buyer, that cemetery-only restriction was not on the deed. The developer sold it for a \$5 million profit; the only way the stipulation was discovered was to go back to that permanent record.

I know we are talking about government notices because we want to be fiscally responsible, but if someone is losing a house, a car or family heirlooms in a storage unit, or a parent is having their parental rights terminated, they have a right to have this published in a newspaper with a permanent record, so they can go back and see that it happened. If any federal agency is proposing a rule change or an executive or administrative order by the President of the U.S., that notice must be published in the *Federal Register*, which is a daily print newspaper that has been in existence since 1936.

Every county seat in Nevada has a newspaper; yet, not all county seats have television stations. As Senator Goicoechea mentioned, eastern Nevada mostly gets its news from Salt Lake City. In the past year, we have seen major attacks on the Internet. We saw the Democratic National Committee hacked by Russia and we saw hackings at HP Enterprise Services and Oracle's Micros Systems that has everybody's restaurant tabs. Fishing, hunting and wildlife Websites in four states were hacked. The U.S. Department of Health and Human Services, and Verizon Enterprise Services were hacked. Yahoo had a breach that affected 500 million customers. Monday, which was a bill deadline day for this Legislature, our State system was down for 12 hours. If I was going to lose my house or my child and did not know what courtroom to be in, I would not know where to go unless I went to the library and looked at a newspaper.

I was embroiled in a long legal dispute that was finally settled. It was over a person who came to Nevada to change his or her name because our State is one of the states that does not, by statute, require publication of name changes on the Internet as well as in a newspaper. The person had been charged with securities fraud in another state and the name change was published in the newspaper, which was then automatically uploaded to the State's Website. We

were sued because if you searched the person's old name, it was No. 1 on the Google search of the name change, which was problematic to the person.

People have talked about saving the State money. The reality is that saving the State money now could cost the State money in the long run. For example, if you take the water notices that cost \$50 by statute out of the newspaper, the State could be on the defending end of an expensive lawsuit over a water rights dispute.

One of the other problems with S.B. 218 is that if it passes like this, NRS 107.080, which is the foreclosure statute, states that the notice must be published in a general circulation newspaper once a week for three consecutive weeks in the county where the property is located. Someone who may have missed some payments, then checks their local newspaper and does not see a public notice, can think that everything is fine. This would be confusing for the common person who is trying to navigate through these systems.

Additionally, S.B. 218 would allow 71 television stations, 2,230 AM radio or 500 FM stations to put up their own Websites to display public notices. This is something we are already doing on one site for free.

JEFF HAAG (Administrator, Purchasing Division, Department of Administration):  
The Department of Administration administers the Nevada Public Notice Website for State and local government. The cost is minimal, and there is no charge to agencies to post notices on the site. The site archives notices and allows interested constituents to follow specific public bodies. The State would continue to maintain responsibility for public records law compliance and would ultimately retain responsibility for archiving, producing and presenting State public records. The Department of Administration is neutral on this bill but wanted the Committee to be aware that public notice postings on the Internet is already being done by the Department of Administration for free.

Regarding the proposed amendment to the bill, [Exhibit H](#), it is the RFP process that allows us to address concerns raised by this Committee as to the archiving of data and how personal information will be collected and retained as a result of notices being made available on a public Website. In addition, the RFP process is a way for us to leverage the State's collective spending as it relates to public notices and ensure that we are getting the best bang for our buck. We would like to have further dialogue on this amendment, what the expectations

are of removing that RFP requirement, and how that will impact the contracting process.

SENATOR FORD:

I have reached out to the Nevada Press Association (NPA) and asked them to work directly with the Nevada Broadcasters Association to come up with an amendment that could address some of their concerns. My modus operandi is always to try and find a compromise. Unfortunately, of the issues raised in opposition here, no recommendations on how to address those were represented to us for consideration. So I am a bit surprised that there are concerns with the bill, specifically in section 3 and section 9.

The NPA indicated that some newspapers are already putting public notices online and have been doing so since 2010. The problem is that only they can do it because the law requires notices to go into print newspapers. This means there is no competition. What we are looking to do is to present an option, a choice. They say that by introducing this bill with the word "or," we are taking away an option as if to say introducing competition will lead to their certain demise. In eastern Nevada, if it remains most appropriate to use the local newspapers, then the local government could determine it wants to do that. In Clark County, however, if it decides to reach the more than two million inhabitants by using the Internet, the County can use that option.

Of the contention about there being no court standard that addresses authentication or documentation, there is a federal rule of evidence, and we have rules of evidence in our civil courts all the time. As an attorney, I know what those are, and you have to authenticate newspaper articles and notices just as you would anything else. These federal authentication rules also apply to the Internet documentation. It is not as though our courts cannot adapt and accommodate what we are looking to do with this legislation.

Mr. Smith indicated that in section 9 of S.B. 218, there is a conflict because the FCC requires certain things be placed in print. We are not suggesting we preempt the federal government but that the federal government preempts us. If the federal government requires a broadcaster to place something in the newspaper, then it will still need to be placed in the newspaper. This bill would not undermine that requirement.

Finally, the anecdotes of how the system might fail can be made for any situation. There is never a foolproof system of ensuring anything. What I do know is that if I am in a situation where I need to find a public notice, I am more than likely, as are my children, to go look on the Internet to try to find it there. In fact, Senator Ratti, you gave me a new lesson today, telling me how to find old newspapers—to go to the State Archives. I had no clue. What I would have done, though, is to go to a library to look at microfiche, but guess what else is at my libraries? Computers. This notice would be readily available to anyone looking for these types of items. This bill is an important bill for us in Nevada to ensure that we are providing the right type of notice to all our citizens and that we are being frugal with our dollars. West Virginia saved \$3 million; imagine what we can do in Nevada with \$3 million.

MS. SEWALD:

Mr. Smith said the NPA already does what we are proposing. With all due respect, regarding the print function, by the NPA's own admission, it does not publicize in entirety on its Website every single public notice that goes in the newspaper. If so, the NPA does not publicize its public notice site, so people do not know they have the option to go there and view the notices.

Mr. Smith also referenced the online-only issue. We are not saying the notices should be only put online, we are saying there should be a choice. We are not trying to put newspapers out of business by any stretch. If the Nevada Broadcasters Association public notices portal was not effective, people would still have the option to go to their newspaper. Mr. Smith was talking about section 3 defining a broadcaster, and that any broadcaster could set up a Website and start posting public notices. That is completely out of the realm of possibility. As the Nevada Broadcasters Association President and CEO, I can tell you that we represent every radio and television station in the State. Each one of them is behind their State association to provide this service. It is a heavy lift; trust me, they do not want to do it. There is a lot involved in ensuring that we meet all the requirements. We have jumped through extra hoops to ensure we can satisfy all those requirements.

Regarding the use of "or" instead of "and," we made it "or" so people can choose. If we make it "and," then users of the service would be required to do both. That would be too onerous.

Consider the archiving system, especially the national Website attached to the states, Mr. Smith did not mention that the national site is incomplete, and it is also not Nevada-specific. These are important distinctions. Even if they do put public notices online, that does not meet the legal requirement of a public notice. The only thing that meets the requirement of a public notice is that it is printed in the newspaper. They can say they put some of them online, but it still does not meet the legal requirement.

Lastly, with all due respect, we keep talking about the functionality of which situation is better. We are not here to legislate the functionality; we are just asking for the choice. Let the markets decide, and if it is not great, people can stay with the print function.

SENATOR RATTI:

Are you comfortable with the choice not just being between the Nevada Broadcasters Association online version and the print? Could it be another online choice?

MS. SEWALD:

I would defer to Senator Ford.

SENATOR FORD:

Yes, I am entirely comfortable with that. This is not a bill for just one association; it is a bill for an opportunity to allow us to reach other people. If someone can do it better, I would like that to be an option as well.

SENATOR RATTI:

If this bill is amended to change the language to be more open, then really, are we ready to move past requiring it to be printed in the paper? That is the critical question of this bill.

SENATOR FORD:

I am not sure I would go that far. As long as we have the option, I am not for removing the requirement, but if I was, I would say, "you shall now only go to the Internet." The NPA has been doing this for seven years, so they have a seven-year advantage of testing this out on the Internet. The Nevada Broadcasters Association is still a work in progress. We may not be ready for this and if that is the case, the municipalities will make that determination on

their own. But if they are ready and we are able to demonstrate the sufficiency of retention of documents, I do think the option should be available.

CHAIR PARKS:

In some cases, there are certain federal requirements. In my career, I have dealt with federal grants where there are certain filing requirements. I assume if it says we must publish a notice in a paper of general circulation, that would take precedent.

Secondly, because we normally paid substantial fees for display ads or legal notices, we often got a certification of the date when the notice was printed. Would the Nevada Broadcasters Association be able to provide a notice of certification when a notice was posted?

MS. SEWALD:

Yes, we would be able to provide an affidavit of performance with a date and time stamp and print functionalities.

CHAIR PARKS:

I will close the hearing on S. B. 218 and open the hearing on S.B. 399.

**SENATE BILL 399**: Provides for the acceptance of a tribal identification card in certain circumstances. (BDR 18-78)

SENATOR JAMES A. SETTELMEYER (Senatorial District No. 17):

During the last Session, there was discussion that some of the tribal members were having issues with their identification (ID) cards not being recognized by the State. Other states, including South Dakota and Montana, have established laws that allow for the recognition of tribal ID cards. The most pertinent aspect of the issue is in section 2, subsection 3, paragraph (c) of S.B. 399, where it says, "'Tribal identification card' means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006." In that case, "tribal government" means ones that are federally recognized American Indian tribes pursuant to Title 25 CFR Part 83, subparts A and B. These entities are already using federally recognized IDs. We are just asking them to be recognized by Nevada. That is the bill in a nutshell.



WILL ADLER (Pyramid Lake Paiute Tribe):

We brought this issue up last Session, trying to get tribal IDs recognized in the State. The Pyramid Lake Paiute Tribe IDs already met the requirements of the federal Real ID, allowing individuals to board a commercial airplane. Yet, those IDs have no recognition in Nevada. We want to close the loop and ask the State for acknowledgement for IDs that meet the requirements listed in section 1, subsection 3, paragraphs (a) through (i) so that tribal IDs that meet those requirements will be acknowledged as Nevada State IDs and could be used similarly to a driver's license for identification purposes.

SENATOR HARDY:

Is the ID card also a driver's license card?

MR. ADLER:

No, it is just an ID card establishing membership to the tribal government in the State.

DEBRA HARRY (Pyramid Lake Paiute Tribe):

We support S.B. 399. Our tribal ID and the way I introduced myself in my native language is a reflection of the issuance of this tribal ID card. I have a government-issued ID card by the Pyramid Lake Paiute Tribe that is a federal entity for a federally recognized tribe. We have extensive databases, records and security measures that allow for the issuance of these cards. They are not easy to come by. We have extensive historical and genealogical records, and we have particular standards that allow my tribe to issue membership cards to recognized members.

As governments, the right to issue and determine their own membership has a long legal history in the U.S. In 1928, the U.S. government granted the opportunity for U.S. citizenship to Native Americans. Basically, these people have dual citizenship in this Country as they are citizens of their own nations or tribes and also of the United States. The reason dual citizenship is necessary is because as members of our tribal nations, we have certain rights to hold property, social services and to vote on our own leadership. Those rights are limited to tribal members. That standard has been upheld in the U.S. Supreme Court in cases such as the *Santa Clara Pueblo v. Martinez* decision in 1978. It is also an internationally recognized standard in the United Nations declaration on the rights of indigenous peoples.

It is important to recognize that tribes are becoming increasingly sophisticated in the issuance of tribal ID cards with security measures, verification methodology and extensive databases. Any entity can basically verify whether an ID card is valid or not by calling the nation's tribal membership office. These cards are a valid form of identification, and every tribe has the ability to revoke the ID card.

SENATOR GOICOECHEA:

Would it be possible for a member to have a card from two separate tribes?

MS. HARRY:

No, dual membership is not possible in this Country.

ERNIE ADLER (Pyramid Lake Paiute Tribe):

If you go through S.B. 399, you will see existing language is that consular identification cards, which are cards from different nations' consulates, are recognized as IDs in the State. However, there are no standards for what information is supposed to be on these cards. So the tribal ID is a much more secure card than the consular card, which the State does recognize.

MS. STOLYAROV:

We support this bill as a simple, commonsense measure that would reduce over-stringent government ID requirements and improve quality of life for tribal people in Nevada. Accepting the sovereignty of tribal nations means accepting the equivalency of the documents they issue. If the information is equivalent, there is no practical argument for not treating tribal identification the same as Nevada driver's licenses.

JOHN OCEGUERA (Reno-Sparks Indian Colony):

The Reno-Sparks Indian Colony supports S.B. 399 and believes tribes that issue identification cards meeting the requirements of an ID card issued by the Department of Motor Vehicles should be an acceptable form of identification.

ROBERT ROSHAK (Nevada Sheriffs' and Chiefs' Association):

We support this bill. The standardization of these IDs would be a benefit for us because there were some concerns with the inconsistency of the card contents between tribes.

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SENATOR SETTELMAYER;

We did allow many individuals to sign on to this bill. I think we have everyone but four individuals, and if those four want to sign on, they are more than welcome.

CHAIR PARKS:

I will close S.B. 399 and open S.B. 314.

**SENATE BILL 314**: Revises provisions related to the installation of certain systems for obtaining wind energy. (BDR 22-482)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

This is another simple bill. It comes from the 2015-2016 Legislative Committee on Energy, where there was some discussion from individuals indicating they would like to try to put up windmills or other renewable energy items on their property, and they found government restrictions in the process. In my opinion, there were arbitrary standards like height restrictions that are not consistent to counties.

This bill provides that a county has the right to determine that a certain height or setback be required, but a blanket rule cannot be implemented. It should be relative, in my opinion, to the size of the overall parcel. That could be a reasonable amendment. Having a 40-foot windmill on a 10-acre parcel and placing it on the property line right next to your neighbor is not a good idea, but placing a 200-foot windmill in the middle of a 1,000-acre parcel should not be an issue in my mind, as long as it does not reach another person's property. That is the premise of the bill.

KYLE DAVIS (Nevada Conservation League):

This issue has come up in several past Legislative Sessions regarding what restrictions should be in place, so people can take advantage of locally generated renewable energy. We agree with the purpose of S.B. 314, so people can have the opportunity to install devices to capture local renewable energy, especially if they do it in a way that will not endanger their neighbors or cause a public safety concern. We need to ensure that we are not putting unreasonable restrictions on the ability to have these types of installations. We support the bill and will work with the sponsor if there are to be changes.

SENATOR HARDY:

Is there language about noise in the bill?

MR. DAVIS:

Section 1, subsection 2 does reference that the provisions do not prohibit a reasonable restriction relating to the finish, location, noise, safety or setback of the system for obtaining wind energy. My understanding is this bill would not change a local government's ability to have a reasonable noise restriction.

CHAIR PARKS:

I see there is a proposed amendment by Clark County that caught one of my concerns.

JOHN FUDENBERG (Clark County):

I think our language in the amendment ([Exhibit L](#)), does not accomplish what Senator Settlemeyer was referring to when it comes to the size of the parcel in relationship to the height of the windmill, but it is our goal. We wanted to put something in there that prevented allowing four 70-foot windmills in the middle of Las Vegas on a tiny parcel. I am confident we can work with the sponsor to come up with verbiage that would satisfy everyone.

MS. WALKER:

We are neutral on the bill, but we agree with the Clark County proposed amendment. In the zoning in Storey County, Carson City and Douglas County, there are appropriate and inappropriate areas for windmills. The key is making them compatible with the character of the area, so the proposed amendment resolves our concerns.

JEFF FONTAINE (Nevada Association of Counties):

It is a delicate balance trying to promote renewable energy and address neighborhood concerns. We have talked about an amendment to address all of this through making sure the height of the windmill is suitable for the size of the parcel. We will work with the bill sponsor to address that issue.

SENATOR HARDY:

Does this bill cover one windmill or a system of windmills?

MR. FUDENBERG:

I am not sure I know the answer to that, but we will work through it with Senator Settelmeyer and get back to you.

MS. WALKER:

I had our Carson City planner look at this. He believes that since the bill refers to something on-site, we are talking about a windmill to service a home, not a commercial application.

MR. TRUJILLO:

I echo the comments made by the previous speakers. We would like to continue the conversation with the sponsor on this. The proposed amendment from Clark County begins to address the concerns we had with removing the height language.

LEE PLEMEL (Director, Community Development Department, Carson City):

We have an ordinance for private wind turbines for use on personal property. One of our concerns was height, and I appreciate the sponsor's comments that we are not trying to throw out height altogether related to proximity to adjacent neighbors. We are happy to work with everyone on this bill to satisfy the concerns that affect the character of our neighborhoods and community.

CHAIR PARKS:

I do not see anything in the wording that deals with reflection. Was there a problem at one time with someone in Carson City complaining about the reflection from a device on a neighbor's property?

MR. PLEMEL:

We have had two windmills installed in the last four years since this legislation was enacted to residential properties. Perhaps there have been complaints on one of them; in fact, one has been removed by the owner. The other owner has told me personally that he wishes he had not put his up. We are comfortable with the language in S.B. 314 about the finish on the unit needing to be nonreflective.

BUM HESS (Storey County):

We are neutral on this bill, but we do like the Clark County amendment. Our main concern is that Virginia City is a historic town, and putting windmills next to churches and historical buildings would be best left up to the Storey County

Commissioners to decide. We do not want windmills competing with basketball hoops as the only stand-alone structures in Virginia City.

SENATOR SETTELMAYER:

I will do my best to work with interested parties to try and find a solution or amendment to potentially bring back to this Committee for your opinion. I respect the concept of character, we just need to figure that out. What I do not want to have happen is a situation where the definition of character means that someone's neighbor does not like the idea. That is what this bill is trying to help get around.

SENATOR GOICOECHEA:

Have you figured out the trajectory when one of those blades come off a windmill?

SENATOR SETTELMAYER:

It depends on the speed it turns. That is well within the rights for a county to deal with. If they want to talk about setback, that is doable. There are numerous pieces of legislation on renewable energy this Session where we are telling the energy company they need to do more renewable energy; yet, the counties say they do not want it in their backyard.

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CHAIR PARKS:

I will close the hearing on S.B. 314 and open public comment. Seeing no one wishing to make public comment, I will adjourn this meeting of the Senate Committee on Government Affairs at 2:54 p.m.

RESPECTFULLY SUBMITTED:

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Linda Hiller,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	6		Attendance Roster
S.B. 175	C	1	Jennifer Ruedy	Work Session Document
S.B. 246	D	1	Jennifer Ruedy	Work Session Document
S.B. 246	E	1	Sean Stewart / Nevada Contractors Association	Amendment of Legislative Declaration
S.B. 246	F	1	Sean Stewart / Nevada Contractors Association	Proposed Amendment, Design-Build
S.B. 246	G	1	Sean Stewart / Nevada Contractors Association	Conceptual Amendment
S.B. 218	H	1	Senator Aaron D. Ford	Proposed Amendment from Mary Beth Sewald
S.B. 218	I	3	Mary Beth Sewald / Nevada Broadcasters Association	Written Testimony
S.B. 218	J	11	Mary Beth Sewald / Nevada Broadcasters Association	Presentation: Nevada Broadcasters Association Public Notices Legislation
S.B. 218	K	1	Barry Smith / Nevada Press Association	Public Notice Resource Center Document
S.B. 314	L	2	John Fudenberg / Clark County	Proposed Amendment