

SENATE BILL NO. 421—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Requires, with certain exceptions, public bodies subject to Open Meeting Law to make audio recordings or transcripts of their meetings. (BDR 19-99)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to meetings of public bodies; requiring all public bodies subject to the Open Meeting Law to make and retain an audio recording or transcript of each meeting, whether or not the meeting is public or closed; providing certain exceptions; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 241.035 is hereby amended to read as follows:
2 241.035 1. Each public body shall keep written minutes of
3 each of its meetings, including:
4 (a) The date, time and place of the meeting.
5 (b) Those members of the body who were present and those who
6 were absent.
7 (c) The substance of all matters proposed, discussed or decided
8 and, at the request of any member, a record of each member's vote
9 on any matter decided by vote.
10 (d) The substance of remarks made by any member of the
11 general public who addresses the body if he requests that the



1 minutes reflect his remarks or, if he has prepared written remarks, a
2 copy of his prepared remarks if he submits a copy for inclusion.

3 (e) Any other information which any member of the body
4 requests to be included or reflected in the minutes.

5 2. Minutes of public meetings are public records. Minutes or
6 audiotape recordings of the meetings must be made available for
7 inspection by the public within 30 working days after the
8 adjournment of the meeting at which taken. The minutes shall be
9 deemed to have permanent value and must be retained by the public
10 body for at least 5 years. Thereafter, the minutes may be transferred
11 for archival preservation in accordance with NRS 239.080 to
12 239.125, inclusive. Minutes of meetings closed pursuant to NRS
13 241.030 become public records when the body determines that the
14 matters discussed no longer require confidentiality and the person
15 whose character, conduct, competence or health was discussed has
16 consented to their disclosure. That person is entitled to a copy of the
17 minutes upon request whether or not they become public records.

18 3. All or part of any meeting of a public body may be recorded
19 on audiotape or any other means of sound or video reproduction by
20 a member of the general public if it is a public meeting so long as
21 this in no way interferes with the conduct of the meeting.

22 4. ~~{Each}~~ *Except as otherwise provided in subsections 6 and*
23 *7, a public body {may} shall, for each of its meetings, whether*
24 *public or closed, record the meeting on audiotape or {any other}*
25 *another means of sound reproduction {each of its meetings, whether*
26 *public or closed,} or cause the meeting to be transcribed by a court*
27 *reporter who is certified pursuant to chapter 656 of NRS. If a*
28 *public body makes an audio recording of a meeting {is so recorded:*
29 ~~—(a) The record must}~~ *or causes a meeting to be transcribed*
30 *pursuant to this subsection, the audio recording or transcript:*

31 (a) *Must* be retained by the public body for at least 1 year after
32 the adjournment of the meeting at which it was recorded ~~{~~

33 ~~—(b) The record of a public meeting}~~ *or transcribed;*

34 (b) *Except as otherwise provided in this section,* is a public
35 record and must be made available for inspection by the public
36 during the time the ~~{record}~~ *recording or transcript* is retained ~~{~~

37 ~~—Any record made pursuant to this subsection must}~~ *; and*

38 (c) *Must* be made available to the Attorney General upon
39 request.

40 5. ~~{If a public body elects to record a public meeting pursuant~~
41 ~~to the provisions of subsection 4,}~~ *Except as otherwise provided in*
42 *subsections 6 and 7, any portion of {that} a public meeting which is*
43 *closed must also be recorded or transcribed and the recording or*
44 *transcript must be retained and made available for inspection*
45 *pursuant to the provisions of subsection 2 relating to records of*



1 closed meetings. Any ~~record~~ *recording or transcript* made
2 pursuant to this subsection must be made available to the Attorney
3 General upon request.

4 *6. A public body is not required to make an audio recording*
5 *of a meeting or cause a meeting to be transcribed if the public*
6 *body does not have sufficient money to conduct such activities.*

7 *7. If a public body makes a good faith effort to comply with*
8 *the provisions of subsections 4 and 5 but is prevented from doing*
9 *so because of factors beyond the public body's reasonable control,*
10 *including, without limitation, a power outage, a mechanical*
11 *failure or other unforeseen event, such failure does not constitute*
12 *a violation of the provisions of this chapter.*

13 **Sec. 2.** NRS 1A.100 is hereby amended to read as follows:

14 1A.100 1. A system of retirement providing benefits for the
15 retirement, disability or death of all justices of the Supreme Court
16 and district judges and funded on an actuarial reserve basis is hereby
17 established and must be known as the Judicial Retirement System.

18 2. The System consists of the Judicial Retirement Plan and the
19 provisions set forth in NRS 2.060 to 2.083, inclusive, and 3.090 to
20 3.099, inclusive, for providing benefits to justices of the Supreme
21 Court or district judges who served either as a justice of the
22 Supreme Court or district judge before November 5, 2002. Each
23 justice of the Supreme Court or district judge who is not a member
24 of the Public Employees' Retirement System is a member of the
25 System.

26 3. The official correspondence and records, other than the files
27 of individual members of the System or retired justices or judges,
28 and *, except as otherwise provided in NRS 241.035,* the minutes ,
29 *audio recordings, transcripts* and books of the System are public
30 records and are available for public inspection.

31 4. The System must be administered exclusively by the Board,
32 which shall make all necessary rules and regulations for the
33 administration of the System. The rules must include, without
34 limitation, rules relating to the administration of the retirement plans
35 in accordance with federal law. The Legislature shall regularly
36 review the System.

37 **Sec. 3.** NRS 231.090 is hereby amended to read as follows:

38 231.090 The Executive Director of the Commission on
39 Economic Development shall direct and supervise all its
40 administrative and technical activities, including coordinating its
41 plans for economic development, promoting the production of
42 motion pictures, scheduling the Commission's programs, analyzing
43 the effectiveness of those programs and associated expenditures, and
44 cooperating with other governmental agencies which have programs



1 related to economic development. In addition to other powers and
2 duties, the Executive Director:

3 1. Shall attend all meetings of the Commission and act as its
4 Secretary, keeping minutes *and audio recordings or transcripts* of
5 its proceedings.

6 2. Shall report regularly to the Commission concerning the
7 administration of its policies and programs.

8 3. Shall report annually to the Governor and the Commission
9 regarding the work of the Commission and may make such special
10 reports as he considers desirable to the Governor.

11 4. May perform any other lawful acts which he considers
12 desirable to carry out the provisions of NRS 231.020 to 231.130,
13 inclusive.

14 **Sec. 4.** NRS 231.220 is hereby amended to read as follows:

15 231.220 The Executive Director of the Commission on
16 Tourism shall direct and supervise all its administrative and
17 technical activities, including coordinating its plans for tourism and
18 publications, scheduling its programs, analyzing the effectiveness of
19 those programs and associated expenditures, and cooperating with
20 other governmental agencies which have programs related to travel
21 and tourism. In addition to other powers and duties, the Executive
22 Director:

23 1. Shall attend all meetings of the Commission and act as its
24 Secretary, keeping minutes *and audio recordings or transcripts* of
25 its proceedings.

26 2. Shall report regularly to the Commission concerning the
27 administration of its policies and programs.

28 3. Shall serve as the Director of the Division of Tourism.

29 4. Shall appoint the Administrator of the Division of
30 Publications.

31 5. May perform any other lawful acts which he considers
32 necessary to carry out the provisions of NRS 231.160 to 231.360,
33 inclusive.

34 **Sec. 5.** NRS 233A.065 is hereby amended to read as follows:

35 233A.065 The Executive Director of the Commission shall:

36 1. Be jointly responsible to the Governor and the Commission.

37 2. Direct and supervise all the technical and administrative
38 activities of the Commission.

39 3. Attend all Commission meetings and act as Secretary,
40 keeping minutes *and audio recordings or transcripts* of the
41 proceedings.

42 4. Report to the Governor and the Commission all matters
43 concerning the administration of his office. He shall request the
44 advice of the Commission regarding matters of policy, but he is



1 responsible, unless otherwise provided by law, for the conduct of
2 the administrative functions of the Commission office.

3 5. Compile, for Commission approval and submission to the
4 Governor, a biennial report regarding the work of the Commission
5 and such other matters as he may consider desirable.

6 6. Serve as contracting officer to receive funds from the
7 Federal Government or other sources for such studies as the
8 Commission deems necessary.

9 7. Attend all meetings of any special study committee
10 appointed by the Governor pursuant to this chapter and act as
11 Secretary, keeping minutes *and audio recordings or transcripts* of
12 the proceedings.

13 8. Perform any lawful act which he considers necessary or
14 desirable to carry out the purposes and provisions of this chapter.

15 **Sec. 6.** NRS 233B.061 is hereby amended to read as follows:

16 233B.061 1. All interested persons must be afforded a
17 reasonable opportunity to submit data, views or arguments upon a
18 proposed regulation, orally or in writing.

19 2. Before holding the public hearing required pursuant to
20 subsection 3, an agency shall conduct at least one workshop to
21 solicit comments from interested persons on one or more general
22 topics to be addressed in a proposed regulation. Not less than 15
23 days before the workshop, the agency shall provide notice of the
24 time and place set for the workshop:

25 (a) In writing to each person who has requested to be placed on
26 a mailing list; and

27 (b) In any other manner reasonably calculated to provide such
28 notice to the general public and any business that may be affected
29 by a proposed regulation which addresses the general topics to be
30 considered at the workshop.

31 3. With respect to substantive regulations, the agency shall set
32 a time and place for an oral public hearing, but if no one appears
33 who will be directly affected by the proposed regulation and
34 requests an oral hearing, the agency may proceed immediately to act
35 upon any written submissions. The agency shall consider fully all
36 written and oral submissions respecting the proposed regulation.

37 4. The agency shall keep, retain and make available for public
38 inspection written minutes *and an audio recording or transcript* of
39 each public hearing held pursuant to subsection 3 in the manner
40 provided in ~~[subsections 1 and 2 of NRS 241.035.~~

41 ~~—5. The agency may record each public hearing held pursuant to~~
42 ~~subsection 3 and make those recordings available for public~~
43 ~~inspection in the manner provided in subsection 4 of]~~ NRS 241.035.



Sec. 7. NRS 244A.611 is hereby amended to read as follows:

244A.611 1. The board shall choose one of its members as chairman and one of its members as vice chairman, and shall elect a secretary and a treasurer, who may be members of the board. The secretary and the treasurer may be one person.

2. The secretary shall keep ~~[H]~~ *audio recordings or transcripts of all meetings and*, in a well-bound book, a record of all of the proceedings of the board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the board. ~~[The]~~ *Except as otherwise provided in NRS 241.035, the* minute book *, audio recordings, transcripts* and records ~~[shall]~~ *must* be open to the inspection of all owners of real property in the county as well as to all other interested persons, at all reasonable times and places.

3. The treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the board and the county. He shall file with the county clerk, at county expense, a corporate fidelity bond in an amount not less than \$5,000, conditioned for the faithful performance of his duties.

Sec. 8. NRS 266.250 is hereby amended to read as follows:

266.250 1. The deliberations, sessions and proceedings of the city council must be public.

2. The city council shall keep written minutes *and audio recordings or transcripts* of its own proceedings as required pursuant to NRS 241.035. The yeas and nays must be taken upon the passage of all ordinances, and all propositions to create any liability against the city, or to grant, deny, increase, decrease, abolish or revoke licenses, and in all other cases at the request of any member of the city council or of the mayor, which yeas and nays must be entered in the minutes of its proceedings.

3. The affirmative vote of a majority of all the members elected to the city council is necessary to pass any such ordinance or proposition.

Sec. 9. NRS 278.290 is hereby amended to read as follows:

278.290 1. Meetings of the board ~~[shall]~~ *must* be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board ~~[shall]~~ *must* be open to the public.

2. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to NRS 278.010 to 278.630, inclusive.

3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing



1 to vote, indicating such fact, *and audio recordings or transcripts of*
2 *its proceedings*, and shall keep records of its examinations and other
3 official actions, all of which ~~[shall]~~ *must* be filed immediately in the
4 office of the board and ~~[shall be a public record.]~~ , *except as*
5 *otherwise provided in NRS 241.035, are public records.*

6 **Sec. 10.** NRS 284.050 is hereby amended to read as follows:

7 284.050 1. The Governor shall designate one of the members
8 of the Commission as Chairman of the Commission.

9 2. The Director shall act as the nonvoting recording Secretary
10 of the Commission. He shall keep the minutes *and audio recordings*
11 *or transcripts* of the proceedings of the Commission.

12 **Sec. 11.** NRS 284.055 is hereby amended to read as follows:

13 284.055 1. The members of the Commission may meet at the
14 times and places specified by the call of the Chairman or a majority
15 of the Commission, but a meeting of the Commission must be held
16 regularly at least once every 3 months.

17 2. Three members of the Commission constitute a quorum. A
18 quorum may exercise any power conferred on the Commission, but
19 no regulations may be adopted, amended or rescinded except by a
20 majority vote of the entire membership of the Commission.

21 3. The Commission shall keep minutes *and audio recordings*
22 *or transcripts* of the transactions of each meeting. ~~[The]~~ *Except as*
23 *otherwise provided in NRS 241.035, the* minutes , *audio recordings*
24 *and transcripts* are public records and must be filed with the
25 Department.

26 **Sec. 12.** NRS 286.110 is hereby amended to read as follows:

27 286.110 1. A system of retirement providing benefits for the
28 retirement, disability or death of employees of public employers and
29 funded on an actuarial reserve basis is hereby established and must
30 be known as the Public Employees' Retirement System. The System
31 is a public agency supported by administrative fees transferred from
32 the retirement funds. The Executive and Legislative Departments of
33 the State Government shall regularly review the System.

34 2. The System is entitled to use any services provided to state
35 agencies and shall use the services of the Purchasing Division of the
36 Department of Administration, but is not required to use any other
37 service. The purpose of this subsection is to provide to the Board the
38 necessary autonomy for an efficient and economic administration of
39 the System and its program.

40 3. The official correspondence and records, other than the files
41 of individual members or retired employees, and , *except as*
42 *otherwise provided in NRS 241.035,* the minutes , *audio*
43 *recordings, transcripts* and books of the System are public records
44 and are available for public inspection.



1 4. The respective participating public employers are not liable
2 for any obligation of the System.

3 **Sec. 13.** NRS 287.0438 is hereby amended to read as follows:

4 287.0438 Except for the files of individual members and
5 former members, the correspondence, files, minutes , *audio*
6 *recordings, transcripts* and books of the Program are , *except as*
7 *otherwise provided in NRS 241.035*, public records.

8 **Sec. 14.** NRS 318.085 is hereby amended to read as follows:

9 318.085 Except as otherwise provided in NRS 318.0953 and
10 318.09533:

11 1. After taking oaths and filing bonds, the board shall choose
12 one of its members as chairman of the board and president of the
13 district, and shall elect a secretary and a treasurer of the board and
14 of the district, who may or may not be members of the board. The
15 secretary and the treasurer may be one person.

16 2. The board shall adopt a seal.

17 3. The secretary shall keep ~~[H]~~ *audio recordings or transcripts*
18 *of all meetings and*, in a well-bound book, a record of all of the
19 board's proceedings, minutes of all meetings, any certificates,
20 contracts, bonds given by employees and all corporate acts. ~~[This]~~
21 *Except as otherwise provided in NRS 241.035, the* book , *audio*
22 *recordings, transcripts and records* must be open to inspection of
23 all owners of real property in the district as well as to all other
24 interested persons.

25 4. The treasurer shall keep strict and accurate accounts of all
26 money received by and disbursed for and on behalf of the district in
27 permanent records. He shall file with the county clerk, at the
28 expense of the district, a corporate surety bond in an amount not
29 more than \$50,000, the form and exact amount thereof to be
30 approved and determined, respectively, by the board of county
31 commissioners, conditioned for the faithful performance of the
32 duties of his office. Any other officer or trustee who actually
33 receives or disburses money of the district shall furnish a bond as
34 provided in this subsection. The board of county commissioners
35 may, upon good cause shown, increase or decrease the amount of
36 that bond.

37 5. Each member of a board of trustees of a district organized or
38 reorganized pursuant to this chapter may receive as compensation
39 for his service not more than \$6,000 per year, payable monthly, if
40 the budget is adequate and a majority of the members of the board
41 vote in favor of such compensation, but no member of the board
42 may receive any other compensation for his service to the district as
43 an employee or otherwise. A member of the board is not entitled to
44 receive as compensation more than \$1,800 per year if the additional
45 compensation is approved during the term of the member.



Sec. 15. NRS 360.130 is hereby amended to read as follows:

360.130 1. The Executive Director shall:

(a) Keep *audio recordings or transcripts of all meetings and* full and correct records of all transactions and proceedings of the Nevada Tax Commission, the State Board of Equalization and the Department.

(b) Perform such other duties as may be required.

2. The Nevada Tax Commission shall have the power to authorize the Executive Director or any other officer of the Department to hold hearings or make investigations, and upon any such hearing the Executive Director or officer shall have the authority to examine books, compel the attendance of witnesses, administer oaths and conduct investigations.

Sec. 16. NRS 361.365 is hereby amended to read as follows:

361.365 1. Each county board of equalization shall, at the expense of the county, cause complete minutes *and an audio recording or transcript* to be taken at each hearing. ~~[These]~~ *In addition to the requirements of NRS 241.035, these* minutes must include the title of all exhibits, papers, reports and other documentary evidence submitted to the county board of equalization by the complainant. The clerk of the county board of equalization shall forward the minutes *and audio recordings or transcripts* to the Secretary of the State Board of Equalization.

2. If a transcript of any hearing held before the county board of equalization is requested by the complainant, he shall furnish the reporter, pay for the transcript and deliver a copy of the transcript to the clerk of the county board of equalization and the Secretary of the State Board of Equalization upon filing an appeal.

Sec. 17. NRS 380.050 is hereby amended to read as follows:

380.050 1. The members of the board of law library trustees shall appoint one of their number as president.

2. They shall elect a secretary who shall:

(a) Keep a full statement and account of all property, money, receipts and expenditures of the board, unless the board delegates that duty.

(b) Keep a record , ~~[and]~~ full minutes in writing *and an audio recording or transcript* of all proceedings of the board. The secretary may certify to such proceedings, or any part thereof, under his hand.

3. The board of law library trustees, by a majority vote recorded in the minutes with ayes and noes at length, may:

(a) Define the powers and prescribe the duties of any and all officers;

(b) Determine the number and elect all necessary subordinate officers and assistants;



- 1 (c) Remove, at its pleasure, any officer or assistant; and
- 2 (d) Fix the salaries of the secretary and other subordinate
- 3 officers and assistants.

4 **Sec. 18.** NRS 384.070 is hereby amended to read as follows:

5 384.070 1. The Commission may establish and maintain an
6 office in Virginia City, Storey County, Nevada, in which , *except as*
7 *otherwise provided in NRS 241.035*, there ~~{shall}~~ *must* be at all
8 times open to public inspection a complete record of applications for
9 certificates of appropriateness and their disposition, minutes *and*
10 *audio recordings or transcripts* of the Commission's meetings, and
11 any regulations adopted by the Commission.

12 2. The Commission shall maintain a library in the office for the
13 purpose of guiding applicants in their design or embellishment of
14 the exterior of their buildings, new or remodeled. The library ~~{shall}~~
15 *must* consist of, but not be limited to, documents, paintings,
16 photographs, drawings and histories descriptive of the period which
17 are deemed appropriate guidelines to the applicant. A card index
18 system ~~{shall}~~ *must* also be made and maintained for reference to
19 more comprehensive information in libraries other than the one
20 maintained by the Commission.

21 **Sec. 19.** NRS 386.325 is hereby amended to read as follows:

22 386.325 The clerk shall:

23 1. Keep the minutes *and audio recordings or transcripts* of all
24 meetings and transactions of the board of trustees.

25 2. Subject to the written direction of the board of trustees, draw
26 all orders for the payment of ~~{moneys}~~ *money* belonging to the
27 school district.

28 **Sec. 20.** NRS 417.160 is hereby amended to read as follows:

29 417.160 1. The Nevada Veterans' Services Commission shall
30 annually choose one of its members to serve as Chairman and one of
31 its members to serve as Vice Chairman.

32 2. The Executive Director shall provide for the preparation and
33 maintenance of written minutes for *and audio recordings or*
34 *transcripts of* each meeting of the Veterans' Services Commission.

35 3. Members of the Veterans' Services Commission are entitled
36 to receive:

37 (a) A salary of not more than \$80 per day, as fixed by the
38 Executive Director, while engaged in the business of the
39 Commission.

40 (b) A subsistence allowance of not more than \$56 per day, as
41 fixed by the Executive Director, and actual expenses for
42 transportation, while traveling on business of the Commission.

43 **Sec. 21.** NRS 422.110 is hereby amended to read as follows:

44 422.110 1. The members of the Board shall meet at least
45 twice each calendar year to consider any issues related to public



1 assistance and other programs for which the Welfare Division is
2 responsible that may be of importance to members of the general
3 public, the Governor or the Welfare Division, at such places as the
4 Board, the Chairman of the Board, the State Welfare Administrator
5 or the Director deems appropriate.

6 2. Four members of the Board constitute a quorum, and a
7 quorum may exercise all the power and authority conferred on the
8 Board.

9 3. The Board shall:

10 (a) At least 14 days before the date it holds a meeting, provide
11 public notice of the date, time and location of the meeting, in
12 addition to the notice required pursuant to NRS 241.020.

13 (b) Keep minutes of all meetings of the Board, which must
14 include records of testimony and written comments presented to the
15 Board, and *audio recordings or transcripts of all meetings of the*
16 *Board and* file the minutes *and audio recordings or transcripts*
17 with the Welfare Division. ~~{The}~~ *Except as otherwise provided in*
18 *NRS 241.035, the minutes and audio recordings or transcripts*
19 must be maintained as public records.

20 **Sec. 22.** NRS 422.224 is hereby amended to read as follows:

21 422.224 1. Before adopting, amending or repealing any
22 regulation for the administration of a program of public assistance
23 or any other program for which the Welfare Division is responsible,
24 the State Welfare Administrator shall give at least 30 days' notice of
25 his intended action.

26 2. The notice of intent to act upon a regulation must:

27 (a) Include a statement of the need for and purpose of the
28 proposed regulation, and either the terms or substance of the
29 proposed regulation or a description of the subjects and issues
30 involved, and of the time when, the place where, and the manner in
31 which, interested persons may present their views thereon.

32 (b) Include a statement identifying the entities that may be
33 financially affected by the proposed regulation and the potential
34 financial impact, if any, upon local government.

35 (c) State each address at which the text of the proposed
36 regulation may be inspected and copied.

37 (d) Be mailed to all persons who have requested in writing that
38 they be placed upon a mailing list, which must be kept by the State
39 Welfare Administrator for that purpose.

40 3. All interested persons must be afforded a reasonable
41 opportunity to submit data, views or arguments upon a proposed
42 regulation, orally or in writing. The State Welfare Administrator
43 shall consider fully all oral and written submissions relating to the
44 proposed regulation.



4. The State Welfare Administrator shall keep, retain and make available for public inspection written minutes *and an audio recording or transcript* of each public hearing held pursuant to this section in the manner provided in ~~[subsections 1 and 2 of NRS 241.035.~~

~~5. The State Welfare Administrator may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of]~~ NRS 241.035.

~~[6.]~~ 5. No objection to any regulation on the ground of noncompliance with the procedural requirements of this section may be made more than 2 years after its effective date.

Sec. 23. NRS 422.2369 is hereby amended to read as follows:

422.2369 1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the Division of Health Care Financing and Policy is responsible, the Administrator shall give at least 30 days' notice of his intended action.

2. The notice of intent to act upon a regulation must:

(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their views thereon.

(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government.

(c) State each address at which the text of the proposed regulation may be inspected and copied.

(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Administrator for that purpose.

3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The Administrator shall consider fully all oral and written submissions relating to the proposed regulation.

4. The Administrator shall keep, retain and make available for public inspection written minutes *and an audio recording or transcript* of each public hearing held pursuant to this section in the manner provided in ~~[subsections 1 and 2 of NRS 241.035.~~

~~5. The Administrator may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of]~~ NRS 241.035.



~~[6-]~~ 5. An objection to any regulation on the ground of noncompliance with the procedural requirements of this section may not be made more than 2 years after its effective date.

Sec. 24. NRS 451.370 is hereby amended to read as follows:

451.370 The Committee shall keep full and complete minutes *and an audio recording or transcript* of each meeting of the Committee and a complete record of all dead human bodies received and distributed by it and of the persons to whom the bodies may be distributed. The minutes, *audio recordings, transcripts* and records must be open at all times to the inspection of each member of the Committee and of the district attorney of any county within the State. A report of the activities of the Committee must be made before September 1 of each even-numbered year covering the biennium ending June 30 of such year to the Presidents of the University and Community College System of Nevada and to the State Board of Health. One of the members of the Committee from the University and Community College System of Nevada must act as Secretary and ~~[shall be]~~ *is* responsible for preparing and maintaining a complete file of such minutes, *audio recordings, transcripts* and records.

Sec. 25. NRS 497.220 is hereby amended to read as follows:

497.220 1. The board of adjustment shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created.

2. Meetings of the board ~~[shall]~~ *must* be held at the call of the chairman and at such other times as the board may determine.

3. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

4. All hearings of the board ~~[shall]~~ *must* be public.

5. The board shall:

(a) Keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact ~~[]~~, *and audio recordings or transcripts of its proceedings.*

(b) Keep records of its examinations and other official actions, all of which ~~[shall]~~ *must* immediately be filed in the office of the board and ~~[shall be a public record.]~~ *are public records.*

Sec. 26. NRS 513.043 is hereby amended to read as follows:

513.043 1. The members of the Commission shall select a Chairman from among their number who shall serve at the pleasure of the Commission.

2. The Administrator shall serve as Secretary of the Commission and shall keep the minutes *and audio recordings or transcripts* of its proceedings.



Sec. 27. NRS 513.053 is hereby amended to read as follows:

513.053 1. The Commission shall meet at such times and at such places as is specified by the call of the Chairman or a majority of the Commission, but a meeting of the Commission must be held at least once every 4 months. In case of emergency, special meetings may be called by the Chairman or by the Administrator.

2. Four members of the Commission constitute a quorum for transacting the business of the Commission.

3. The minutes *and audio recordings or transcripts* of each meeting of the Commission must be filed with the Division.

Sec. 28. NRS 541.110 is hereby amended to read as follows:

541.110 1. Each director before entering upon his official duties shall take and subscribe to an oath, before a person authorized to administer oaths, that he will support the Constitutions of the United States and the State of Nevada and will honestly, faithfully and impartially perform the duties of his office.


2. Upon taking oath, the board shall choose one of their number chairman of the board and president of the district, and shall elect some suitable person secretary of the board and of the district, who may or may not be a member of the board. The board shall adopt a seal and shall keep *audio recordings or transcripts of all meetings and*, in a well-bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts, which, *except as otherwise provided in NRS 241.035*, must be open to inspection of all owners of property in the district, as well as to all other interested persons.

3. Each member of the board is entitled to receive as compensation for his service such sum as may be ordered by the board, not in excess of the sum of \$80 per day and actual traveling expenses for each day spent attending meetings of the board or while engaged in official business under the order of the board.

Sec. 29. NRS 543.330 is hereby amended to read as follows:

543.330 1. The board shall meet in July of each year to organize and choose one of its members as chairman of the board and president of the district, and elect a secretary of the board and of the district, who may or may not be a member of the board.

2. The county treasurer is the treasurer of the board and of the district.

3. The secretary shall keep  *audio recordings or transcripts of all meetings and*, in a well-bound book, a record of all of the board's proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which, *except as otherwise provided in NRS 241.035*, must be open to inspection by all owners of real property in the district as well as other interested persons.



4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records.

5. No member of the board may receive compensation for his services, but members may be reimbursed for their necessary expenses in attending district meetings and for necessary expenses incurred in traveling within and without the State when required to carry out the affairs of the district.

Sec. 30. NRS 561.085 is hereby amended to read as follows:

561.085 1. The Board shall elect one of its members as Chairman of the Board.

2. The Director shall act as the nonvoting recording Secretary of the Board and shall keep the minutes *and audio recordings or transcripts* of the proceedings of the Board.

Sec. 31. NRS 561.095 is hereby amended to read as follows:

561.095 1. The members of the Board may meet at such times and at such places as may be specified by the call of the Chairman or a majority of the Board, and a meeting of the Board may be held regularly at least once every 3 months. In case of an emergency, special meetings may be called by the Chairman or by the Director.

2. Six members of the Board constitute a quorum. A quorum may exercise all the authority conferred on the Board.

3. Minutes *and audio recordings or transcripts* of each meeting, regular or special, must be filed with the Department and, *except as otherwise provided in NRS 241.035*, are public records.

Sec. 32. NRS 590.505 is hereby amended to read as follows:

590.505 1. The Board may adopt a seal for its own use which must have imprinted thereon the words "Board for the Regulation of Liquefied Petroleum Gas." The care and custody of the seal is the responsibility of the Secretary-Treasurer of the Board.

2. The Board may appoint an Executive Secretary and may employ or, pursuant to NRS 284.173, contract with such other technical, clerical or investigative personnel as it deems necessary. The Board shall fix the compensation of the Executive Secretary and all other employees and independent contractors. Such compensation must be paid out of the money of the Board. The Board may require the Executive Secretary and any other employees and independent contractors to give a bond to the Board for the faithful performance of their duties, the premiums on the bond being paid out of the money of the Board.

3. In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and holding its regular or special meetings, the Board:

(a) Shall adopt written policies setting forth procedures and methods of operation for the Board.



(b) May adopt such regulations as it deems necessary.

4. The Board shall submit to the Legislature and the Governor a biennial report before September 1 of each even-numbered year, covering the biennium ending June 30 of that year, of its transactions during the preceding biennium, including a complete statement of the receipts and expenditures of the Board during the period and any complaints received by the Board.

5. The Board shall keep accurate records, ~~and~~ minutes *and audio recordings or transcripts* of all meetings and, *except as otherwise provided in NRS 241.035*, the records, ~~and~~ minutes, *audio recordings and transcripts* so kept must be open to public inspection at all reasonable times. The Board shall also keep a record of all applications for licenses ~~and~~ and licenses issued by it. The record of applications and licenses is a public record.

Sec. 33. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1221, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties. The City Clerk shall:

1. Keep his office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

2. Keep the corporate seal and all papers and records of the City and keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the City Council certified by him, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

3. Supervise and coordinate administrative and responsible clerical work relating to the functions of the City Council.

4. Attend all meetings of the City Council.

5. Record votes of members of the City Council.

6. Direct the transcription and keeping of minutes and official records *and the making and keeping of audio recordings or transcripts* of all City Council meetings.

7. Countersign official contracts, bonds and other official City documents.

8. Be the custodian of all official City records, including contract and agreement documents, resolutions, ordinances, official minute book and the corporate seal.

9. Make arrangements for special or informal meetings other than the regular meetings of the City Council.



10. Supervise the operation and maintenance of a central file system for all departments of the City.

11. Supervise the recruitment of all election workers, the printing of all ballots and tally of election returns.

12. Serve as custodian of official election records for all City elections.

13. Administer official oaths for the City.

Sec. 34. Section 7 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, at page 1210, is hereby amended to read as follows:

Sec. 7. 1. The Board shall elect a Chairman, Vice Chairman, Secretary and Treasurer, who must be members of the Board. The Secretary and the Treasurer may be one person. The terms of the officers expire on the date their successors are elected and qualified in the general election.

2. The Secretary shall keep ~~the~~ *audio recordings or transcripts of all meetings of the Board and*, in a well-bound book, a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. ~~The~~ *Except as otherwise provided in NRS 241.035, the* minute book, *audio recordings, transcripts* and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority. He shall file with the County Clerk, at Authority expense, a corporate fidelity bond in an amount not less than \$25,000, conditioned for the faithful performance of his duties.

Sec. 35. Section 6 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2026, is hereby amended to read as follows:

Sec. 6. 1. The Board shall elect a Chairman, Vice Chairman, Secretary and Treasurer from its members. The Secretary and the Treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year.

2. The Secretary shall keep *audio recordings or transcripts of all meetings of the Board and* a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. ~~The~~ *Except as otherwise provided in NRS 241.035, the* records must be open to the inspection of all interested persons, at a reasonable time and place.



1 3. The Treasurer shall keep an accurate account of all
2 money received by and disbursed on behalf of the Board and
3 the Authority. He shall file with the Clerk of Carson City, at
4 the expense of the Authority, a fidelity bond in an amount not
5 less than \$10,000, conditioned for the faithful performance of
6 his duties.

7 **Sec. 36.** Section 7 of the Airport Authority Act for Washoe
8 County, being chapter 474, Statutes of Nevada 1977, as last
9 amended by chapter 413, Statutes of Nevada 2001, at page 2043, is
10 hereby amended to read as follows:

11 Sec. 7. 1. The Board shall choose one of its members
12 as Chairman and one of its members as Vice Chairman, and
13 shall elect a Secretary and a Treasurer, who may be members
14 of the Board. The Secretary and the Treasurer may be one
15 person. The terms of the officers expire on July 1 of each
16 year.

17 2. Chairmen must be selected from trustees appointed by
18 the participating local governments in the following order:

- 19 (a) The City of Reno;
20 (b) The City of Sparks;
21 (c) Washoe County; and
22 (d) The County Fair and Recreation Board of Washoe
23 County.

24 3. The Secretary shall keep ~~[H]~~ *audio recordings or*
25 *transcripts of all meetings of the Board and*, in a well-bound
26 book, a record of all of the proceedings of the Board, minutes
27 of all meetings, certificates, contracts, bonds given by
28 employees, and all other acts of the Board. ~~[The]~~ *Except as*
29 *otherwise provided in NRS 241.035, the* minute book, *audio*
30 *recordings, transcripts* and records must be open to the
31 inspection of all interested persons, at all reasonable times
32 and places.

33 4. The Treasurer shall keep, in permanent records, strict
34 and accurate accounts of all money received by and disbursed
35 for and on behalf of the Board and the Authority. He shall file
36 with the County Clerk, at Authority expense, a corporate
37 fidelity bond in an amount not less than \$25,000, conditioned
38 for the faithful performance of his duties.

39 **Sec. 37.** Section 9 of the Elko Convention and Visitors
40 Authority Act, being chapter 227, Statutes of Nevada 1975, as last
41 amended by chapter 466, Statutes of Nevada 1991, at page 1363, is
42 hereby amended to read as follows:

43 Sec. 9. 1. The Board shall adopt a seal, establish a
44 principal place of business and adopt, and thereafter from
45 time to time amend, if necessary, appropriate rules and



1 regulations not inconsistent with this act for carrying on the
2 business and affairs of the Board and of the Authority. Each
3 member shall, upon election or acceptance of his
4 appointment, file with the Clerk of Elko County his oath of
5 office.

6 2. No member may receive any compensation as an
7 employee of the Board or otherwise, and a member of the
8 Board shall not be interested in any contract or transaction
9 with the Board except in his official representative capacity.

10 3. At the first meeting of the Board following each
11 general authority election, the Board shall choose one of its
12 members as Chairman and one of its members as Vice
13 Chairman, and shall appoint or hire a Secretary and a
14 Treasurer, who must not be members of the Board. The
15 Secretary and Treasurer may not be one person.

16 4. The Secretary shall keep *audio recordings or*
17 *transcripts of all meetings of the Board and* a record of all of
18 the proceedings of the Board, minutes of all meetings,
19 certificates, contracts, bonds given by employees, and all
20 other acts of the Board. ~~The~~ *Except as otherwise provided*
21 *in NRS 241.035, the* minute book , *audio recordings,*
22 *transcripts* and records are open to the inspection of all
23 interested persons, at all reasonable times and places.

24 5. The Treasurer shall keep, in permanent records, strict
25 and accurate accounts of all money received by and disbursed
26 for and on behalf of the Board. The Treasurer shall file with
27 the County Clerk, at the Authority's expense, a corporate
28 fidelity bond in an amount not less than \$5,000, conditioned
29 on the faithful performance of the duties of the Treasurer.

30 6. The Board shall appoint the Elko County Treasurer
31 and Auditor to act as Treasurer and Auditor of the Authority.
32 The Treasurer and Auditor may employ such persons as are
33 necessary to carry out the duties of the Treasurer and Auditor
34 of the Authority. The Board shall determine the salary of each
35 person employed pursuant to this subsection. The salaries and
36 expenses of the employees must be paid by the Board from
37 the money of the Authority.

38 7. The Board shall meet regularly at a time and in a
39 place to be designated by it. Special meetings may be held as
40 often as the needs of the Board require, on notice to each
41 Board member.

42 8. The Board may require from an officer or employee
43 of the Authority, except a member of the Board, sufficient
44 security for the faithful and honest performance of his duties.
45 A blanket fidelity bond or blanket position bond, or other



1 type of bond suitable for public employees or officers, may
2 be furnished at the expense of the Authority for an officer or
3 employee of the Authority, in an amount set by the Board and
4 conditioned on the faithful and honest performance of his
5 duties.

6 **Sec. 38.** Section 4 of the Nevada Commission for the
7 Reconstruction of the V & T Railway Act of 1993, being chapter
8 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of
9 Nevada 2001, at page 401, is hereby amended to read as follows:

10 Sec. 4. 1. Each commissioner appointed pursuant to
11 paragraph (b), (c), (d) or (e) of subsection 1 of section 3 of
12 this act shall file his oath of office with the clerk of the
13 county from which he was appointed, and all other
14 commissioners shall file their oaths of office with the Clerk of
15 Carson City.

16 2. The commissioners must serve without compensation,
17 but a Commissioner may be reimbursed for expenses actually
18 incurred by him for travel authorized by the Commission.

19 3. The Commission shall elect a Chairman, Vice
20 Chairman, Secretary and Treasurer from among its members.
21 The Secretary and the Treasurer may be one person. The
22 terms of the officers expire on July 1 of each odd-numbered
23 year.

24 4. The Secretary shall maintain *audio recordings or*
25 *transcripts of all meetings of the Commission and* a record
26 of all of the proceedings of the Commission, minutes of all
27 meetings, certificates, contracts and other acts of the
28 Commission. ~~The~~ *Except as otherwise provided in NRS*
29 *241.035, the* records must be open to the inspection of all
30 interested persons at a reasonable time and place.

31 5. The Treasurer shall keep an accurate account of all
32 money received by and disbursed on behalf of the
33 Commission. He shall file with the Clerk of Carson City, at
34 the expense of the Commission, a fidelity bond in an amount
35 not less than \$10,000, conditioned for the faithful
36 performance of his duties.

37 **Sec. 39.** Section 5 of the Nevada Commission for the
38 Reconstruction of the V & T Railway Act of 1993, being chapter
39 566, Statutes of Nevada 1993, at page 2327, is hereby amended to
40 read as follows:

41 Sec. 5. 1. The Commission shall meet upon the call of
42 the Chairman or a majority of the commissioners.

43 2. A majority of the commissioners constitutes a quorum
44 at any meeting.



3. The governing bodies shall each make available an appropriate meeting room and provide adequate clerical staff and equipment to provide adequate notice of the meeting and to produce minutes *and audio recordings or transcripts* of the meeting and any other assistance necessary to allow the Commission to comply with the provisions of chapter 241 of NRS.

4. The Commission shall alternate the location of its meetings among the facilities provided pursuant to subsection 3.

5. A commissioner is not personally liable for any actions taken or omitted in good faith in the performance of his duties pursuant to the provisions of this act.

Sec. 40. Section 19 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 269, is hereby amended to read as follows:

Sec. 19. The Secretary of the Council shall:

1. Record the minutes of each meeting of the Council;
2. Record the attendance at each meeting of the Council;

and

3. Maintain the records , ~~{and}~~ minutes *and audio recordings or transcripts* of the Council.

Sec. 41. This act becomes effective on July 1, 2005.



