

SENATE BILL NO. 421—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions relating to Open Meeting Law. (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; requiring the Board of the Public Employees' Benefits Program to post minutes of its meetings on its Internet website under certain circumstances; 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 subsection 6, a*
23 public body ~~{may}~~ *shall, for each of its meetings, whether public*
24 *or closed, record the meeting* on audiotape or ~~{any other}~~ *another*
25 means of sound reproduction ~~{each of its meetings, whether public~~
26 ~~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 *subsection 6,* any portion of ~~{that}~~ *a public* meeting which is closed
43 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. If a public body makes a good faith effort to comply with*
5 *the provisions of subsections 4 and 5 but is prevented from doing*
6 *so because of factors beyond the public body's reasonable control,*
7 *including, without limitation, a power outage, a mechanical*
8 *failure or other unforeseen event, such failure does not constitute*
9 *a violation of the provisions of this chapter.*

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

11 1A.100 1. A system of retirement providing benefits for the
12 retirement, disability or death of all justices of the Supreme Court
13 and district judges and funded on an actuarial reserve basis is hereby
14 established and must be known as the Judicial Retirement System.

15 2. The System consists of the Judicial Retirement Plan and the
16 provisions set forth in NRS 2.060 to 2.083, inclusive, and 3.090 to
17 3.099, inclusive, for providing benefits to justices of the Supreme
18 Court or district judges who served either as a justice of the
19 Supreme Court or district judge before November 5, 2002. Each
20 justice of the Supreme Court or district judge who is not a member
21 of the Public Employees' Retirement System is a member of the
22 System.

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

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

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

35 231.090 The Executive Director of the Commission on
36 Economic Development shall direct and supervise all its
37 administrative and technical activities, including coordinating its
38 plans for economic development, promoting the production of
39 motion pictures, scheduling the Commission's programs, analyzing
40 the effectiveness of those programs and associated expenditures, and
41 cooperating with other governmental agencies which have programs
42 related to economic development. In addition to other powers and
43 duties, the Executive Director:



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

4 2. Shall report regularly to the Commission concerning the
5 administration of its policies and programs.

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

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

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

13 231.220 The Executive Director of the Commission on
14 Tourism shall direct and supervise all its administrative and
15 technical activities, including coordinating its plans for tourism and
16 publications, scheduling its programs, analyzing the effectiveness of
17 those programs and associated expenditures, and cooperating with
18 other governmental agencies which have programs related to travel
19 and tourism. In addition to other powers and duties, the Executive
20 Director:

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

24 2. Shall report regularly to the Commission concerning the
25 administration of its policies and programs.

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

27 4. Shall appoint the Administrator of the Division of
28 Publications.

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

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

33 233A.065 The Executive Director of the Commission shall:

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

35 2. Direct and supervise all the technical and administrative
36 activities of the Commission.

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

40 4. Report to the Governor and the Commission all matters
41 concerning the administration of his office. He shall request the
42 advice of the Commission regarding matters of policy, but he is
43 responsible, unless otherwise provided by law, for the conduct of
44 the administrative functions of the Commission office.



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

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

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

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

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

14 233B.061 1. All interested persons must be afforded a
15 reasonable opportunity to submit data, views or arguments upon a
16 proposed regulation, orally or in writing.

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

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

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

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

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

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

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

43 244A.611 1. The board shall choose one of its members as
44 chairman and one of its members as vice chairman, and shall elect a



1 secretary and a treasurer, who may be members of the board. The
2 secretary and the treasurer may be one person.

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

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

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

19 266.250 1. The deliberations, sessions and proceedings of the
20 city council must be public.

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

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

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

33 278.290 1. Meetings of the board ~~shall~~ **must** be held at the
34 call of the chairman and at such other times as the board may
35 determine. The chairman, or in his absence the acting chairman,
36 may administer oaths and compel the attendance of witnesses. All
37 meetings of the board ~~shall~~ **must** be open to the public.

38 2. The board shall adopt rules in accordance with the
39 provisions of any ordinance adopted pursuant to NRS 278.010 to
40 278.630, inclusive.

41 3. The board shall keep minutes of its proceedings, showing
42 the vote of each member upon each question, or, if absent or failing
43 to vote, indicating such fact, **and audio recordings or transcripts of**
44 **its proceedings**, and shall keep records of its examinations and other
45 official actions, all of which ~~shall~~ **must** be filed immediately in the



1 office of the board and ~~{shall be a public record.}~~ , *except as*
2 *otherwise provided in NRS 241.035, are public records.*

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

4 284.050 1. The Governor shall designate one of the members
5 of the Commission as Chairman of the Commission.

6 2. The Director shall act as the nonvoting recording Secretary
7 of the Commission. He shall keep the minutes *and audio recordings*
8 *or transcripts* of the proceedings of the Commission.

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

10 284.055 1. The members of the Commission may meet at the
11 times and places specified by the call of the Chairman or a majority
12 of the Commission, but a meeting of the Commission must be held
13 regularly at least once every 3 months.

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

18 3. The Commission shall keep minutes *and audio recordings*
19 *or transcripts* of the transactions of each meeting. ~~{The}~~ *Except as*
20 *otherwise provided in NRS 241.035, the minutes , audio recordings*
21 *and transcripts* are public records and must be filed with the
22 Department.

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

24 286.110 1. A system of retirement providing benefits for the
25 retirement, disability or death of employees of public employers and
26 funded on an actuarial reserve basis is hereby established and must
27 be known as the Public Employees' Retirement System. The System
28 is a public agency supported by administrative fees transferred from
29 the retirement funds. The Executive and Legislative Departments of
30 the State Government shall regularly review the System.

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

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

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



1 **Sec. 12.5.** NRS 287.0415 is hereby amended to read as
2 follows:

3 287.0415 1. A majority of the members of the Board
4 constitutes a quorum for the transaction of business.

5 2. The Governor shall designate one of the members of the
6 Board to serve as the Chairman.

7 3. The Board shall meet at least once every calendar quarter
8 and at other times upon the call of the Chairman.

9 4. The Board may meet in closed session:

10 (a) To discuss matters relating to personnel;

11 (b) To prepare a request for a proposal or other solicitation for
12 bids to be released by the Board for competitive bidding; or

13 (c) As otherwise provided pursuant to chapter 241 of NRS.

14 5. *Except as otherwise provided in this subsection, if the*
15 *Board causes a meeting to be transcribed by a court reporter who*
16 *is certified pursuant to chapter 656 of NRS, the Board shall post a*
17 *transcript of the meeting on its Internet website not later than 30*
18 *days after the meeting. The Board shall post a transcript of a*
19 *closed session of the Board on its Internet website when the Board*
20 *determines that the matters discussed no longer require*
21 *confidentiality and, if applicable, the person whose character,*
22 *conduct, competence or health was discussed in the closed session*
23 *has consented to the posting.*

24 6. As used in this section, "request for a proposal" has the
25 meaning ascribed to it in subsection 8 of NRS 333.020.

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

27 287.0438 Except for the files of individual members and
28 former members, the correspondence, files, minutes , *audio*
29 *recordings, transcripts* and books of the Program are , *except as*
30 *otherwise provided in NRS 241.035*, public records.

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

32 318.085 Except as otherwise provided in NRS 318.0953 and
33 318.09533:

34 1. After taking oaths and filing bonds, the board shall choose
35 one of its members as chairman of the board and president of the
36 district, and shall elect a secretary and a treasurer of the board and
37 of the district, who may or may not be members of the board. The
38 secretary and the treasurer may be one person.

39 2. The board shall adopt a seal.

40 3. The secretary shall keep ~~H~~ *audio recordings or transcripts*
41 *of all meetings and*, in a well-bound book, a record of all of the
42 board's proceedings, minutes of all meetings, any certificates,
43 contracts, bonds given by employees and all corporate acts. ~~This~~
44 *Except as otherwise provided in NRS 241.035, the book , audio*
45 *recordings, transcripts and records* must be open to inspection of



1 all owners of real property in the district as well as to all other
2 interested persons.

3 4. The treasurer shall keep strict and accurate accounts of all
4 money received by and disbursed for and on behalf of the district in
5 permanent records. He shall file with the county clerk, at the
6 expense of the district, a corporate surety bond in an amount not
7 more than \$50,000, the form and exact amount thereof to be
8 approved and determined, respectively, by the board of county
9 commissioners, conditioned for the faithful performance of the
10 duties of his office. Any other officer or trustee who actually
11 receives or disburses money of the district shall furnish a bond as
12 provided in this subsection. The board of county commissioners
13 may, upon good cause shown, increase or decrease the amount of
14 that bond.

15 5. Each member of a board of trustees of a district organized or
16 reorganized pursuant to this chapter may receive as compensation
17 for his service not more than \$6,000 per year, payable monthly, if
18 the budget is adequate and a majority of the members of the board
19 vote in favor of such compensation, but no member of the board
20 may receive any other compensation for his service to the district as
21 an employee or otherwise. A member of the board is not entitled to
22 receive as compensation more than \$1,800 per year if the additional
23 compensation is approved during the term of the member.

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

25 360.130 1. The Executive Director shall:

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

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

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

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

38 361.365 1. Each county board of equalization shall, at the
39 expense of the county, cause complete minutes *and an audio*
40 *recording or transcript* to be taken at each hearing. ~~[These]~~ *In*
41 *addition to the requirements of NRS 241.035, these* minutes must
42 include the title of all exhibits, papers, reports and other
43 documentary evidence submitted to the county board of equalization
44 by the complainant. The clerk of the county board of equalization



1 shall forward the minutes *and audio recordings or transcripts* to the
2 Secretary of the State Board of Equalization.

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

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

9 380.050 1. The members of the board of law library trustees
10 shall appoint one of their number as president.

11 2. They shall elect a secretary who shall:

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

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

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

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

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

25 (c) Remove, at its pleasure, any officer or assistant; and

26 (d) Fix the salaries of the secretary and other subordinate
27 officers and assistants.

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

29 384.070 1. The Commission may establish and maintain an
30 office in Virginia City, Storey County, Nevada, in which , *except as*
31 *otherwise provided in NRS 241.035*, there ~~shall~~ *must* be at all
32 times open to public inspection a complete record of applications for
33 certificates of appropriateness and their disposition, minutes *and*
34 *audio recordings or transcripts* of the Commission's meetings, and
35 any regulations adopted by the Commission.

36 2. The Commission shall maintain a library in the office for the
37 purpose of guiding applicants in their design or embellishment of
38 the exterior of their buildings, new or remodeled. The library ~~shall~~
39 *must* consist of, but not be limited to, documents, paintings,
40 photographs, drawings and histories descriptive of the period which
41 are deemed appropriate guidelines to the applicant. A card index
42 system ~~shall~~ *must* also be made and maintained for reference to
43 more comprehensive information in libraries other than the one
44 maintained by the Commission.



Sec. 19. NRS 386.325 is hereby amended to read as follows:
386.325 The clerk shall:

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

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

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

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

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

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

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

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

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

422.110 1. The members of the Board shall meet at least twice each calendar year to consider any issues related to public assistance and other programs for which the Welfare Division is responsible that may be of importance to members of the general public, the Governor or the Welfare Division, at such places as the Board, the Chairman of the Board, the State Welfare Administrator or the Director deems appropriate.

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

3. The Board shall:

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

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



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

422.224 1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the Welfare Division is responsible, the State Welfare 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 State Welfare 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 State Welfare Administrator shall consider fully all oral and written submissions relating to the 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



1 maintaining a complete file of such minutes , *audio recordings,*
2 *transcripts* and records.

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

4 497.220 1. The board of adjustment shall adopt rules in
5 accordance with the provisions of the ordinance or resolution by
6 which it was created.

7 2. Meetings of the board ~~{shall}~~ *must* be held at the call of the
8 chairman and at such other times as the board may determine.

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

11 4. All hearings of the board ~~{shall}~~ *must* be public.

12 5. The board shall:

13 (a) Keep minutes of its proceedings, showing the vote of each
14 member upon each question, or, if absent or failing to vote,
15 indicating such fact ~~{}~~ , *and audio recordings or transcripts of its*
16 *proceedings.*

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

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

21 513.043 1. The members of the Commission shall select a
22 Chairman from among their number who shall serve at the pleasure
23 of the Commission.

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

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

28 513.053 1. The Commission shall meet at such times and at
29 such places as is specified by the call of the Chairman or a majority
30 of the Commission, but a meeting of the Commission must be held
31 at least once every 4 months. In case of emergency, special meetings
32 may be called by the Chairman or by the Administrator.

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

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

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

38 541.110 1. Each director before entering upon his official
39 duties shall take and subscribe to an oath, before a person authorized
40 to administer oaths, that he will support the Constitutions of the
41 United States and the State of Nevada and will honestly, faithfully
42 and impartially perform the duties of his office.

43 2. Upon taking oath, the board shall choose one of their
44 number chairman of the board and president of the district, and shall
45 elect some suitable person secretary of the board and of the district,



1 who may or may not be a member of the board. The board shall
2 adopt a seal and shall keep *audio recordings or transcripts of all*
3 *meetings and*, in a well-bound book , a record of all its proceedings,
4 minutes of all meetings, certificates, contracts, bonds given by
5 employees and all corporate acts, which , *except as otherwise*
6 *provided in NRS 241.035*, must be open to inspection of all owners
7 of property in the district, as well as to all other interested persons.

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

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

14 543.330 1. The board shall meet in July of each year to
15 organize and choose one of its members as chairman of the board
16 and president of the district, and elect a secretary of the board and of
17 the district, who may or may not be a member of the board.

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

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

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

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

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

36 561.085 1. The Board shall elect one of its members as
37 Chairman of the Board.

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

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

42 561.095 1. The members of the Board may meet at such
43 times and at such places as may be specified by the call of the
44 Chairman or a majority of the Board , and a meeting of the Board
45 may be held regularly at least once every 3 months. In case of an



1 emergency, special meetings may be called by the Chairman or by
2 the Director.

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

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

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

9 590.505 1. The Board may adopt a seal for its own use which
10 must have imprinted thereon the words "Board for the Regulation of
11 Liquefied Petroleum Gas." The care and custody of the seal is the
12 responsibility of the Secretary-Treasurer of the Board.

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

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

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

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

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

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

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

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



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

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

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

14 4. Attend all meetings of the City Council.

15 5. Record votes of members of the City Council.

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

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

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

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

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

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

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

32 13. Administer official oaths for the City.

33 **Sec. 34.** Section 7 of the Airport Authority Act for Battle
34 Mountain, being chapter 458, Statutes of Nevada 1983, at page
35 1210, is hereby amended to read as follows:

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

41 2. The Secretary shall keep ~~H~~ *audio recordings or*
42 *transcripts of all meetings of the Board and*, in a well-bound
43 book, a record of all of the proceedings of the Board, minutes
44 of all meetings, certificates, contracts, bonds given by
45 employees, and all other acts of the Board. ~~The~~ *Except as*



1 *otherwise provided in NRS 241.035, the* minute book, *audio*
2 *recordings, transcripts* and records must be open to the
3 inspection of all interested persons, at all reasonable times
4 and places.

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

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

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

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

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

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

35 Sec. 7. 1. The Board shall choose one of its members
36 as Chairman and one of its members as Vice Chairman, and
37 shall elect a Secretary and a Treasurer, who may be members
38 of the Board. The Secretary and the Treasurer may be one
39 person. The terms of the officers expire on July 1 of each
40 year.

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

- 43 (a) The City of Reno;
44 (b) The City of Sparks;
45 (c) Washoe County; and



(d) The County Fair and Recreation Board of Washoe County.

3. The Secretary shall keep ~~H~~ *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.

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

Sec. 9. 1. The Board shall adopt a seal, establish a principal place of business and adopt, and thereafter from time to time amend, if necessary, appropriate rules and regulations not inconsistent with this act for carrying on the business and affairs of the Board and of the Authority. Each member shall, upon election or acceptance of his appointment, file with the Clerk of Elko County his oath of office.

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

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

4. 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* minute book, *audio recordings,*



1 *transcripts* and records are open to the inspection of all
2 interested persons, at all reasonable times and places.

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

9 6. The Board shall appoint the Elko County Treasurer
10 and Auditor to act as Treasurer and Auditor of the Authority.
11 The Treasurer and Auditor may employ such persons as are
12 necessary to carry out the duties of the Treasurer and Auditor
13 of the Authority. The Board shall determine the salary of each
14 person employed pursuant to this subsection. The salaries and
15 expenses of the employees must be paid by the Board from
16 the money of the Authority.

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

21 8. The Board may require from an officer or employee
22 of the Authority, except a member of the Board, sufficient
23 security for the faithful and honest performance of his duties.
24 A blanket fidelity bond or blanket position bond, or other
25 type of bond suitable for public employees or officers, may
26 be furnished at the expense of the Authority for an officer or
27 employee of the Authority, in an amount set by the Board and
28 conditioned on the faithful and honest performance of his
29 duties.

30 **Sec. 38.** Section 4 of the Nevada Commission for the
31 Reconstruction of the V & T Railway Act of 1993, being chapter
32 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of
33 Nevada 2001, at page 401, is hereby amended to read as follows:

34 Sec. 4. 1. Each commissioner appointed pursuant to
35 paragraph (b), (c), (d) or (e) of subsection 1 of section 3 of
36 this act shall file his oath of office with the clerk of the
37 county from which he was appointed, and all other
38 commissioners shall file their oaths of office with the Clerk of
39 Carson City.

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

43 3. The Commission shall elect a Chairman, Vice
44 Chairman, Secretary and Treasurer from among its members.
45 The Secretary and the Treasurer may be one person. The



terms of the officers expire on July 1 of each odd-numbered year.

4. The Secretary shall maintain *audio recordings or transcripts of all meetings of the Commission* and a record of all of the proceedings of the Commission, minutes of all meetings, certificates, contracts and other acts of the Commission. ~~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.

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

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

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

2. A majority of the commissioners constitutes a quorum 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



- 1 3. Maintain the records , ~~and~~ minutes *and audio*
- 2 *recordings or transcripts* of the Council.
- 3 **Sec. 41.** This act becomes effective on July 1, 2005.



