

CHAPTER.....

AN ACT relating to public records; requiring the person who has legal custody or control of a public record, under certain circumstances, to prepare a copy of the public record rather than requiring the person who has requested the copy to prepare the copy; requiring copies of public books and records to be made available upon request in certain circumstances; limiting the fee which may be charged for a copy of a public record in the custody of a law library operated by a governmental entity; requiring a copy of minutes or audio recordings of public meetings to be made available to a member of the public upon request at no charge; reducing the fee a county clerk charges for copying records, proceedings or papers or for searching records or files in the office of the county clerk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all public books and records that are not otherwise declared by law to be confidential must be made available to the public for inspection or copying by any person. (NRS 239.010) **Section 1** of this bill prohibits the officer, employee or agent of a governmental entity who has legal custody or control of a public record from requiring a person who has requested a copy of the public record to prepare the copy himself or herself. Rather, upon request, the officer, employee or agent of the governmental entity must prepare the copy of the public record, unless the copy needs to be a certified copy.

Existing law requires requests for inspection or copying of public books or records to be addressed not later than the fifth business day after the person who has legal custody or control of a public book or record of a governmental entity receives a request. (NRS 239.0107) **Section 2** of this bill requires the public book or record to be made available upon request if the public book or record is readily available.

Section 4 of this bill limits the fee for a copy of a public book or record in the custody of a law library operated by a governmental entity to 50 cents per page. **Section 5** of this bill requires a copy of minutes or audio recordings of public meetings to be made available to a member of the public upon request at no charge. **Section 7** of this bill reduces the fee a county clerk charges for preparing a copy of any record, proceeding or paper and the fee that the county clerk charges for searching the records or files in the office of the county clerk and authorizes the county clerk to waive those fees.



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

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in subsection 3, all public books and public records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy ***or receive a copy of*** a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record ~~shall~~ :

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.



Sec. 2. NRS 239.0107 is hereby amended to read as follows:

239.0107 1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written *or oral* request from a person to inspect , ~~to~~ copy *or receive a copy of* the public book or record, a governmental entity shall do one of the following, as applicable:

(a) ~~Allow~~ *Except as otherwise provided in subsection 2, allow* the person to inspect or copy the public book or record ~~or~~ *or, if the request is for the person to receive a copy of the public book or record, provide such a copy to the person.*

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of that fact; and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:

(1) Notice of that fact; and

(2) A date and time after which the public book or record will be available for the person to inspect or copy ~~or~~ *or after which a copy of the public book or record will be available to the person.* If the public book or record *or the copy of the public book or record* is not available to the person ~~to inspect or copy~~ by that date and time, the person may inquire regarding the status of the request.

(d) If the governmental entity must deny the person's request ~~to inspect or copy the public book or record~~ because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

2. ~~The provisions of this section must not be construed to prohibit an oral request~~ *If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal custody or control of the public book or record shall allow a person who has submitted a request to inspect , to* copy *or receive a copy of* a public book or record.



Sec. 3. NRS 239.011 is hereby amended to read as follows:

239.011 **1.** If a request for inspection, ~~for~~ copying *or copies* of a public book or record open to inspection and copying is denied, the requester may apply to the district court in the county in which the book or record is located for an order ~~permitting~~ :

(a) Permitting the requester to inspect or copy ~~it~~ the book or record; or

(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester, as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding from the governmental entity whose officer has custody of the book or record.

Sec. 4. NRS 239.052 is hereby amended to read as follows:

239.052 **1.** Except as otherwise provided in this subsection, a governmental entity may charge a fee for providing a copy of a public record. Such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy. A governmental entity shall not charge a fee for providing a copy of a public record if a specific statute or regulation requires the governmental entity to provide the copy without charge.

2. A governmental entity may waive all or a portion of a charge or fee for a copy of a public record if the governmental entity:

(a) Adopts a written policy to waive all or a portion of a charge or fee for a copy of a public record; and

(b) Posts, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice that states the terms of the policy.

3. A governmental entity shall prepare and maintain a list of the fees that it charges at each office in which the governmental entity provides copies of public records. A governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states:

(a) The fee that the governmental entity charges to provide a copy of a public record; or

(b) The location at which a list of each fee that the governmental entity charges to provide a copy of a public record may be obtained.



4. The fee for providing a copy of a public book or record in the custody of a law library operated by a governmental entity must not exceed 50 cents per page.

Sec. 4.5. NRS 239.055 is hereby amended to read as follows:

239.055 1. Except as otherwise provided in NRS 239.054 regarding information provided from a geographic information system, if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee ***not to exceed 50 cents per page*** for such extraordinary use. ~~Upon~~ ***Such a request must be made in writing, and upon*** receiving such a request, the governmental entity shall inform the requester ***, in writing,*** of the amount of the fee before preparing the requested information. The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources. The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.

2. As used in this section, "technological resources" means any information, information system or information service acquired, developed, operated, maintained or otherwise used by a governmental entity.

Sec. 5. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

- (a) The date, time and place of the meeting.
- (b) Those members of the public body who were present and those who were absent.
- (c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.
- (d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.
- (e) Any other information which any member of the public body requests to be included or reflected in the minutes.



2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public , *and a copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge*, within 30 working days after the adjournment of the meeting at which taken. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

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

4. Except as otherwise provided in subsection ~~6~~ 7, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 1 year after the adjournment of the meeting at which it was recorded or transcribed;



(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

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

5. *The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not:*

(a) Prohibit a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting; or

(b) Require a court reporter who transcribes a meeting to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter to a member of the public at no charge.

6. Except as otherwise provided in subsection ~~16.1~~ 7, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

~~16.1~~ 7. If a public body makes a good faith effort to comply with the provisions of subsections 4 and ~~15.1~~ 6 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 6. NRS 1A.100 is hereby amended to read as follows:

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

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



3. The official correspondence and records, other than the files of individual members of the System or retired justices or judges, and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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

Sec. 7. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, each county clerk shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer	\$56.00
On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court.....	42.00
On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:	
Where the stated value of the estate is more than \$2,500	72.00
Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.	
On the filing of a petition to contest any will or codicil, to be paid by the petitioner	44.00



On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter	\$44.00
On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants	44.00
For filing a notice of appeal.....	24.00
For issuing a transcript of judgment and certifying thereto.....	3.00
For preparing any copy of any record, proceeding or paper, for each page , <i>unless such fee is waived by the county clerk</i>	1.00 0.50
For each certificate of the clerk, under the seal of the court.....	3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk	5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise provided for.....	6.00
For searching records or files in the office of the county clerk, for each year 1.00 , <i>unless such fee is waived by the county clerk</i>	1.00 0.50
For filing and recording a bond of a notary public, per name	15.00
For entering the name of a firm or corporation in the register of the county clerk.....	20.00

2. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk.

3. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.



4. No fee may be charged any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

5. Each county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 8. NRS 244A.611 is hereby amended to read as follows:

244A.611 1. The board shall choose one of its members as chair and one of its members as vice chair, 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 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. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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. The treasurer 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 or her duties.

Sec. 9. 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*



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. 10. NRS 278.290 is hereby amended to read as follows:

278.290 1. Meetings of the board must be held at the call of the chair and at such other times as the board may determine. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the board 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 to vote, indicating such fact, and audio recordings or transcripts of its proceedings, and shall keep records of its examinations and other official actions, all of which must be filed immediately in the office of the board and, except as otherwise provided in NRS 241.035, are public records. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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

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

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

3. The Commission shall keep minutes and audio recordings or transcripts of the transactions of each meeting. Except as otherwise provided in NRS 241.035, the minutes, audio recordings and transcripts are public records and must be filed with the Division. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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

286.110 1. A system of retirement providing benefits for the retirement, disability or death of employees of public employers and funded on an actuarial reserve basis is hereby established and must be known as the Public Employees' Retirement System. The System is a public agency supported by administrative fees transferred from



the retirement funds. The Executive and Legislative Departments of the State Government shall regularly review the System.

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

3. The official correspondence and records, other than the files of individual members or retired employees, and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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

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

287.0438 Except for the files of individual members and former members, the correspondence, files, minutes, audio recordings, transcripts and books of the Program are, except as otherwise provided in NRS 241.035, public records. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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

318.085 Except as otherwise provided in NRS 318.0953 and 318.09533:

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

2. The board shall adopt a seal.

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, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the book, audio recordings, transcripts and records must be open to inspection of all owners of real property in the district as well as to all other interested persons. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*



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. The treasurer shall file with the county clerk, at the expense of the district, a corporate surety bond in an amount not more than \$50,000, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The board of county commissioners may, upon good cause shown, increase or decrease the amount of that bond.

5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his or her service not more than \$6,000 per year. Each member of a board of trustees of a district that is organized or reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his or her service not more than \$9,000 per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in NRS 318.095.

Sec. 15. 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. 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*



2. If a transcript of any hearing held before the county board of equalization is requested by the complainant, he or she 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. 16. NRS 384.070 is hereby amended to read as follows:

384.070 1. The Commission may establish and maintain an office in Virginia City, Storey County, Nevada, in which, except as otherwise provided in NRS 241.035, there must be at all times open to public inspection a complete record of applications for certificates of appropriateness and their disposition, minutes and audio recordings or transcripts of the Commission's meetings, and any regulations adopted by the Commission. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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

Sec. 17. 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 is responsible, the Administrator must give at least 30 days' notice of the 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 NRS 241.035. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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. 18. NRS 422A.120 is hereby amended to read as follows:

422A.120 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 Division is responsible that may be of importance to members of the general public, the Governor or the Division, at such places as the Board, the Chair of the Board, the 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 Division. Except as otherwise provided in NRS 241.035, the minutes and audio recordings or transcripts must be maintained as public records. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

Sec. 19. NRS 422A.190 is hereby amended to read as follows:

422A.190 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 is responsible, the Administrator must give at least 30 days' notice of the 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 NRS 241.035. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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. 20. NRS 541.110 is hereby amended to read as follows:

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

2. Upon taking oath, the board shall choose one of their number chair 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

3. Each member of the board is entitled to receive as compensation for his or her 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. 21. 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 chair 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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 the member's 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. 22. 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 Chair 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 Chair 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

Sec. 23. 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 333.700, 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, minutes and audio recordings or transcripts of all meetings and, except as otherwise provided in NRS 241.035, the records, minutes, audio recordings and transcripts so kept must be open to public inspection at all reasonable times. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.* The Board shall also keep a record of all applications for licenses and licenses issued by it. The record of applications and licenses is a public record.



Sec. 24. Section 7 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as amended by chapter 373, Statutes of Nevada 2005, at page 1417, is hereby amended to read as follows:

Sec. 7. 1. The Board shall elect a Chair, Vice Chair, 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 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. 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. ***A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.***

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. The Treasurer 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 or her duties.

Sec. 25. Section 6 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 373, Statutes of Nevada 2005, at page 1417, is hereby amended to read as follows:

Sec. 6. 1. The Board shall elect a Chair, Vice Chair, 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. 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. ***A copy of the minutes or audio recordings must be made available to a***



member of the public upon request at no charge pursuant to NRS 241.035.

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

Sec. 26. Section 7 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 373, Statutes of Nevada 2005, at page 1418, is hereby amended to read as follows:

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

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

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

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

3. The Secretary shall keep 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. 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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. The Treasurer 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 or her duties.



Sec. 27. Section 9.5 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as added by chapter 369, Statutes of Nevada 2005, at page 1386, is hereby amended to read as follows:

Sec. 9.5. 1. Except as otherwise determined by the Board or provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board if the Board:

(a) Complies with the provisions of subsection 3; and
(b) Finances the contract, project, acquisition, works or improvement by means of:

(1) Revenue bonds issued by the Authority; or
(2) An installment obligation of the Authority in a transaction in which:

(I) The Authority acquires real or personal property and another person acquires or retains a security interest in that or other property; and

(II) The obligation by its terms is extinguished by failure of the Board to appropriate money for the ensuing fiscal year for payment of the amounts then due.

2. A contract entered into by the Board pursuant to this section must:

(a) Contain a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work performed pursuant to the contract; and

(b) If the contract is with a design professional who is not a member of a design-build team, comply with the provisions of NRS 338.155. As used in this paragraph, “design professional” has the meaning ascribed to it in subsection 7 of NRS 338.010.

3. For contracts entered into pursuant to this section that are exempt from the provisions of chapters 332, 338 and 339 of NRS pursuant to subsection 1, the Board shall adopt regulations pursuant to subsection 4 which establish:

(a) One or more competitive procurement processes for letting such a contract; and

(b) A method by which a bid on such a contract will be adjusted to give a 5 percent preference to a contractor who would qualify for a preference pursuant to NRS 338.147, if:



(1) The estimated cost of the contract exceeds \$250,000; and

(2) Price is a factor in determining the successful bid on the contract.

4. The Board:

(a) Shall, before adopting, amending or repealing a permanent or temporary regulation pursuant to subsection 3, give at least 30 days' notice of its intended action. The notice must:

(1) Include:

(I) A statement of the need for and purpose of the proposed regulation.

(II) Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(III) The estimated cost to the Board for enforcement of the proposed regulation.

(IV) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(V) A statement indicating whether the regulation establishes a new fee or increases an existing fee.

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

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

(b) May adopt, if it has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this subsection, after providing a second notice and the opportunity for a hearing, a permanent regulation.

(c) Shall, in addition to distributing the notice to each recipient of the Board's regulations, solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(d) Shall, before conducting a workshop pursuant to paragraph (g), determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the Board determines that such an impact is likely to occur, the Board shall:



(1) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(2) Consider methods to reduce the impact of the proposed regulation on small businesses.

(3) Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted pursuant to paragraph (g) and the public hearing held pursuant to paragraph (h).

(e) Shall ensure that a small business impact statement prepared pursuant to subparagraph (3) of paragraph (d) sets forth the following information:

(1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(2) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(I) Both adverse and beneficial effects; and

(II) Both direct and indirect effects.

(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

(4) The estimated cost to the Board for enforcement of the proposed regulation.

(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.

(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.

(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop:

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



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

(h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and 2 of NRS 241.035. *A copy of the minutes must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

(j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035. *A copy of the audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

(k) Shall ensure that a small business which is aggrieved by a regulation adopted pursuant to this subsection may object to all or a part of the regulation by filing a petition with the Board within 90 days after the date on which the regulation was adopted. Such petition may be based on the following:

(1) The Board failed to prepare a small business impact statement as required pursuant to subparagraph (3) of paragraph (d); or

(2) The small business impact statement prepared by the Board did not consider or significantly underestimated the economic effect of the regulation on small businesses.

➡ After receiving a petition pursuant to this paragraph, the Board shall determine whether the petition has merit. If the Board determines that the petition has merit, the Board may, pursuant to this subsection, take action to amend the regulation to which the small business objected.

5. The determinations made by the Board pursuant to this section are conclusive unless it is shown that the Board acted with fraud or a gross abuse of discretion.



Sec. 28. Section 9 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 373, Statutes of Nevada 2005, at page 1418, 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 or her appointment, file with the Clerk of Elko County his or her 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 or her 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 Chair and one of its members as Vice Chair, 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. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records are open to the inspection of all interested persons, at all reasonable times and places. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

5. 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. The Treasurer shall file with the County Clerk, at the Authority's expense, a corporate fidelity bond in an amount not less than \$5,000, conditioned on the faithful performance of the duties of the Treasurer.

6. The Board shall appoint the Elko County Treasurer and Auditor to act as Treasurer and Auditor of the Authority. The Treasurer and Auditor may employ such persons as are necessary to carry out the duties of the Treasurer and Auditor



of the Authority. The Board shall determine the salary of each person employed pursuant to this subsection. The salaries and expenses of the employees must be paid by the Board from the money of the Authority.

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

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

Sec. 29. Section 4 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as last amended by chapter 373, Statutes of Nevada 2005, at page 1419, is hereby amended to read as follows:

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

2. The commissioners must serve without compensation, but a commissioner may be reimbursed for expenses actually incurred for travel authorized by the Commission.

3. The Commission shall elect a Chair, Vice Chair, Secretary and Treasurer from among 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.

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. 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. ***A copy of the minutes or audio recordings must be made available to a member of***



the public upon request at no charge pursuant to NRS 241.035.

5. The Treasurer shall keep an accurate account of all money received by and disbursed on behalf of the Commission. The Treasurer 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 or her duties.

Sec. 30. Section 27 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, at page 3291, is hereby amended to read as follows:

Sec. 27. 1. The Board shall elect one of its members as Chair and one of its members as Vice Chair, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the Treasurer may be the same person. The terms of the officers expire on December 31 of each year.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. 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. *A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

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 Regional Water Commission.

