

ASSEMBLY BILL NO. 70—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the Open Meeting Law. (BDR 19-421)

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

CONTAINS UNFUNDED MANDATE (§§ 7, 13-36)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires a public body to ensure that members of the public body and the public present at a meeting can hear or observe and participate in the meeting if any member of the public body is present by means of teleconference or videoconference. (NRS 241.010) **Section 2** of this bill provides instead that if a member of the public body attends a meeting of the public body by means of teleconference or videoconference, the chair of the public body must ensure that members of the public body and the public can hear or observe each member attending by teleconference or videoconference. **Section 4** of this bill makes a conforming change.

Section 2 authorizes, under certain circumstances, a member of the public who is the subject of an action item on an agenda of a public meeting to attend and participate in the meeting by teleconference or videoconference.

Existing law sets forth the circumstances when a public body is required to comply with the Open Meeting Law. Under existing law, a public body may gather to receive information from an attorney employed or retained by the public body regarding certain matters without complying with the Open Meeting Law. (NRS 241.015) **Section 3** of this bill clarifies that any action taken by a public body arising out of any such gathering must be taken in a meeting held in compliance with the Open Meeting Law.



Section 5 of this bill authorizes, under certain circumstances, a public body to gather to receive training regarding its legal obligations without complying with the Open Meeting Law.

Section 5 requires, under certain circumstances, a subcommittee or working group of a public body to comply with the provisions of the Open Meeting Law.

The Open Meeting Law requires a public body to make supporting material for a meeting of the public body available to the public upon request. (NRS 241.020) **Section 5** defines the term "supporting material."

The Open Meeting Law sets forth the minimum public notice required for meetings of public bodies, including the posting of an agenda. (NRS 241.020) **Section 6** of this bill requires that an agenda include an item on which action may be taken by the public body to approve the agenda before proceeding with any other action item. **Section 6** also requires the chair of the public body to end the meeting if a quorum does not approve the agenda.

Existing law requires a public body to keep written minutes of each of its meetings and provides that minutes of a meeting are public records that must be made available for inspection. (NRS 241.035) **Section 7** of this bill requires a public body to have draft minutes of a meeting available for inspection within 30 working days after adjournment of the meeting until the public body approves the minutes. **Sections 13-36** of this bill make conforming changes.

Existing law requires a public body to have a meeting recorded on audiotape or transcribed by a court reporter. (NRS 241.035) **Section 7** provides that a transcript prepared by a court reporter qualifies as written minutes of the public body.

Existing law provides that if a public body takes certain corrective action within 30 days after an alleged violation, the Attorney General may decide not to commence prosecution of the alleged violation. If the public body takes such corrective action, the deadline for the Attorney General to file a lawsuit against the public body to take corrective action is extended by 30 days. (NRS 241.0365) **Section 8** of this bill extends by 60 days the deadline by which such law suits may be filed when the public body takes certain corrective action.

Existing law authorizes the Attorney General or a member of the public to sue a public body: (1) within 60 days after an alleged violation to have an action by the public body declared void; or (2) within 120 days after an alleged violation to require the public body to comply with the Open Meeting Law. (NRS 241.037) **Section 9** of this bill tolls the statutes of limitations for filing these actions if the Attorney General issues a finding that a violation of the Open Meeting Law occurred before the expiration of the statutes of limitations.

Under existing law, the Attorney General is required to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.039) **Section 10** of this bill: (1) requires the Attorney General to investigate and prosecute a violation of the Open Meeting Law if a complaint is filed not later than 120 days after the alleged violation; and (2) gives the Attorney General discretion to investigate and prosecute a violation of the Open Meeting Law if a complaint is filed more than 120 days after the alleged violation.

Section 10 requires: (1) the Attorney General to issue certain findings upon completion of an investigation; and (2) a public body to submit a response to the findings of the Attorney General not later than 14 days after receipt of the Attorney General's findings.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor and subject to a civil penalty of \$500. (NRS 241.040) **Section 12** of this bill provides instead that each member of a public body who: (1) attends a meeting where any violation of the Open Meeting Law occurs; and (2) has knowledge of the violation is guilty of a misdemeanor and subject to an administrative fine, the amount of which is



graduated for multiple offenses. **Section 12** also creates an exception to these penalties and fines where the member violated the Open Meeting Law based on legal advice provided by an attorney employed or retained by the public body.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *A member of a public body may attend a meeting of the public body by means of teleconference or videoconference. If any member of a public body attends a meeting by means of teleconference or videoconference, the chair of the public body, or his or her designee, must ensure that:*

(a) Members of the public body and members of the public present at the meeting can hear or observe each member attending by teleconference or videoconference; and

(b) Each member of the public body in attendance can participate in the meeting.

2. *A member of the public who is the subject of an action item on the agenda of a meeting may attend and participate in the meeting by means of teleconference or videoconference at the discretion of the chair of the public body.*

Sec. 3. *Any action taken by a public body arising out of a gathering of one or more members of the public body and an attorney employed or retained by the public body must be taken in a meeting held in compliance with this chapter.*

Sec. 4. NRS 241.010 is hereby amended to read as follows:
241.010 ~~{1.}~~ In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

~~{2. If any member of a public body is present by means of teleconference or videoconference at any meeting of the public body, the public body shall ensure that all the members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting.}~~

Sec. 5. NRS 241.015 is hereby amended to read as follows:
241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;



(b) A commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

3. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

(3) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by the Office of the Attorney General or the Commission on



Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

4. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056, an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, ~~[consisting of members appointed by the Governor,]~~ if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, ~~[consisting of members appointed by the Governor,]~~ if the board, commission or committee has at least two members who are not employed by the public officer or entity; ~~[and]~~



(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201 ~~H~~; and

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body or working group to make a recommendation to the public body for the public body to take any action.

5. "Quorum" means a simple majority of the membership of a public body or another proportion established by law.

6. *"Supporting material" means material that is provided to at least a quorum of the members of a public body and that the members of the public body would reasonably rely on to make a decision. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.*

7. "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 6. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 6 and a list of the locations where the supporting material is available to the public.

(d) An agenda consisting of:



(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) *An item on which action may be taken requiring the approval of the meeting agenda before proceeding with any other item on which action may be taken. If a quorum does not approve the agenda during discussion of the item requiring the approval of the meeting agenda, the chair must end the meeting.*

(4) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➤ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

~~(4)~~ (5) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

~~(5)~~ (6) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

~~(6)~~ (7) Notification that:

(I) Items on the agenda may be taken out of order ~~at~~ *at the discretion of the chair;*



(II) The public body may , *at the discretion of the chair*, combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda ~~at any time.~~

~~—(7)~~ *if the public body takes action to remove the item when the public body approves the agenda pursuant to subparagraph (3).*

(8) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 3. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and



(c) The name, title and signature of the person who posted the copy of the notice.

5. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

6. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 7 or 8, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➔ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

7. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 6 must be:

(a) If the supporting material is provided to *at least a quorum of* the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.



1 ➤ If the requester has agreed to receive the information and material
2 set forth in subsection 6 by electronic mail, the public body shall, if
3 feasible, provide the information and material by electronic mail.

4 8. Unless the supporting material must be posted at an earlier
5 time pursuant to NRS 288.153, the governing body of a county or
6 city whose population is 45,000 or more shall post the supporting
7 material described in paragraph (c) of subsection 6 to its website not
8 later than the time the material is provided to **at least a quorum of**
9 the members of the governing body or, if the supporting material is
10 provided to the members of the governing body at a meeting, not
11 later than 24 hours after the conclusion of the meeting. Such posting
12 is supplemental to the right of the public to request the supporting
13 material pursuant to subsection 6. The inability of the governing
14 body, as a result of technical problems with its website, to post
15 supporting material pursuant to this subsection shall not be deemed
16 to be a violation of the provisions of this chapter.

17 9. A public body may provide the public notice, information or
18 supporting material required by this section by electronic mail.
19 Except as otherwise provided in this subsection, if a public body
20 makes such notice, information or supporting material available by
21 electronic mail, the public body shall inquire of a person who
22 requests the notice, information or supporting material if the person
23 will accept receipt by electronic mail. If a public body is required to
24 post the public notice, information or supporting material on its
25 website pursuant to this section, the public body shall inquire of a
26 person who requests the notice, information or supporting material
27 if the person will accept by electronic mail a link to the posting on
28 the website when the documents are made available. The inability of
29 a public body, as a result of technical problems with its electronic
30 mail system, to provide a public notice, information or supporting
31 material or a link to a website required by this section to a person
32 who has agreed to receive such notice, information, supporting
33 material or link by electronic mail shall not be deemed to be a
34 violation of the provisions of this chapter.

35 10. As used in this section, "emergency" means an unforeseen
36 circumstance which requires immediate action and includes, but is
37 not limited to:

38 (a) Disasters caused by fire, flood, earthquake or other natural
39 causes; or

40 (b) Any impairment of the health and safety of the public.

41 **Sec. 7.** NRS 241.035 is hereby amended to read as follows:

42 241.035 1. Each public body shall keep written minutes of
43 each of its meetings, including:

44 (a) The date, time and place of the meeting.



(b) Those members of the public body who were present, whether in person or by means of electronic communication, 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.

➤ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

2. *A transcript of a public body meeting prepared by a court reporter who is certified pursuant to chapter 656 of NRS qualifies as written minutes of the meeting.*

3. Minutes of public meetings are public records. Minutes *or draft minutes, as applicable*, or an audio recording of a meeting made in accordance with subsection ~~4~~ 5 must be made available for inspection by the public within 30 working days after adjournment of the meeting. ~~4~~ *If a public body does not approve the minutes of a public meeting within 30 working days after adjournment of the meeting, a provisional version of the minutes clearly marked "draft" must be made available for inspection by the public until the public body approves the minutes of the public meeting. The public body must make a* copy of the minutes *or draft minutes, as applicable*, or audio recording ~~{must be made}~~ available to a member of the public upon request at no charge. ~~{The}~~ *All minutes of a meeting of a public body, including, without limitation, draft versions of 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 *if and* 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 **if and** 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 **if and** 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.

~~3.1~~ **4.** 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.

~~4.1~~ **5.** Except as otherwise provided in subsection ~~7.1~~ **9**, 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~~ **5 years** 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.

~~5.1~~ **6.** The requirement set forth in subsection ~~12.1~~ **3** that a public body make available a copy of the minutes **or draft minutes, if applicable,** or audio recording of a meeting to a member of the public upon request at no charge does not ~~1~~

~~—(a) Prohibit~~ **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. ~~1- or~~

~~—(b) Require a~~

7. A court reporter who transcribes a meeting **is not required** to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter **directly** to a member of the public at no charge.



~~16.1~~ 8. Except as otherwise provided in subsection ~~17.1~~ 9, 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 ~~12.1~~ 3 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.

~~17.1~~ 9. If a public body makes a good faith effort to comply with the provisions of subsections ~~14.1~~ 5 and ~~16.1~~ 8 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. 8. NRS 241.0365 is hereby amended to read as follows:

241.0365 1. Except as otherwise provided in subsection 4, if a public body, after providing the notice described in subsection 2, takes action in conformity with this chapter to correct an alleged violation of this chapter within 30 days after the alleged violation, the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines foregoing prosecution would be in the best interests of the public.

2. Except as otherwise provided in subsection 4, before taking any action to correct an alleged violation of this chapter, the public body must include an item on the agenda posted for the meeting at which the public body intends to take the corrective action in conformity with this chapter. The inclusion of an item on the agenda for a meeting of a public body pursuant to this subsection is not an admission of wrongdoing for the purposes of civil action, criminal prosecution or injunctive relief.

3. For purposes of subsection 1, ~~the~~ any period of limitations set forth in subsection 3 of NRS 241.037 by which the Attorney General may bring suit is tolled for ~~130.1~~ 60 days.

4. The provisions of this section do not prohibit a public body from taking action in conformity with this chapter to correct an alleged violation of the provisions of this chapter before the adjournment of the meeting at which the alleged violation occurs.

5. Any action taken by a public body to correct an alleged violation of this chapter by the public body is effective prospectively.

Sec. 9. NRS 241.037 is hereby amended to read as follows:

241.037 1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:



(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.

(b) Does not relieve any person from criminal prosecution for the same violation.

2. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.

3. Except as otherwise provided in NRS 241.0365:

(a) Any suit brought against a public body pursuant to subsection 1 or 2 to require compliance with the provisions of this chapter must be commenced , *except as otherwise provided in this paragraph*, within 120 days after the action objected to was taken by that public body in violation of this chapter. *If, within 120 days after the action objected to was taken by the public body, the Attorney General issues findings of fact and conclusions of law that the public body violated a provision of this chapter, such a suit may be brought against the public body within 120 days after the date that the Attorney General issues the findings of fact and conclusions of law.*

(b) Any such suit brought to have an action declared void must be commenced , *except as otherwise provided in this paragraph*, within 60 days after the action objected to was taken. *If, within 60 days after the action objected to was taken by the public body, the Attorney General issues findings of fact and conclusions of law that the public body violated a provision of this chapter, such a suit may be brought against the public body within 60 days after the date that the Attorney General issues the findings of fact and conclusions of law.*

Sec. 10. NRS 241.039 is hereby amended to read as follows:

241.039 1. A complaint that alleges a violation of this chapter may be filed with the Office of the Attorney General.

2. Except as otherwise provided in NRS 241.0365, the Attorney General ~~shall~~ :

(a) *Shall* investigate and prosecute any violation of this chapter ~~if~~ *alleged in a complaint filed not later than 120 days after the alleged violation with the Office of the Attorney General.*

(b) *May, at his or her discretion, investigate and prosecute any violation of this chapter alleged in a complaint filed more than*



120 days after the alleged violation with the Office of the Attorney General.

3. Except as otherwise provided in subsection 6 and NRS 239.0115, all documents and other information compiled as a result of an investigation conducted pursuant to subsection 2 are confidential until the investigation is closed.

4. In any investigation conducted pursuant to subsection 2, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

5. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

6. The following are public records:

(a) A complaint filed pursuant to subsection 1.

(b) Every finding of fact or conclusion of law made by the Attorney General relating to a complaint filed pursuant to subsection 1.

(c) Any document or information compiled as a result of an investigation conducted pursuant to subsection 2 that may be requested pursuant to NRS 239.0107 from a governmental entity other than the Office of the Attorney General.

7. Upon completion of an investigation conducted pursuant to subsection 2, the Attorney General shall inform the public body that is the subject of the investigation and issue, as applicable:

(a) A finding that no violation of this chapter occurred; or

(b) A finding that a violation of this chapter occurred, along with findings of fact and conclusions of law that support the finding that a violation of this chapter occurred.

8. A public body shall submit a response to the Attorney General not later than 14 days after receipt of any finding that the public body violated this chapter. If the public body does not submit a response to the Attorney General within 14 days after receipt of the finding, it shall be deemed that the public body agrees with the finding of the Attorney General.

Sec. 11. NRS 241.0395 is hereby amended to read as follows:

241.0395 1. If the Attorney General makes findings of fact and conclusions of law that a public body has ~~taken action in violation of~~ **violated** any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of



wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 12. NRS 241.040 is hereby amended to read as follows:

241.040 1. ~~Each~~ *Except as otherwise provided in subsection 6, each* member of a public body who attends a meeting of that public body where ~~action is taken in violation of~~ any ~~provision~~ *violation* of this chapter ~~[with]~~ *occurs and has* knowledge of the ~~fact that the meeting is in violation thereof,~~ *violation*, is guilty of a misdemeanor.

2. ~~Wrongful~~ *Except as otherwise provided in subsection 6, wrongful* exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which ~~action is taken in~~ *a* violation of this chapter *occurs* is not the accomplice of any other member so attending.

4. ~~He~~ *Except as otherwise provided in subsection 6, in* addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where ~~action is taken in violation of~~ any ~~provision~~ *violation* of this chapter ~~[and]~~ *occurs* and who participates in such action the meeting with knowledge of the violation, is subject to ~~a civil penalty~~ *an administrative fine* in an amount not to exceed :

(a) *For a first offense, \$500* ~~[The Attorney General may recover the penalty]~~ ;

(b) *For a second offense, \$1,000; and*

(c) *For a third or subsequent offense, \$2,500.*

5. *A member of a public body assessed an administrative fine pursuant to this section may contest the fine* in a civil action brought ~~[in the name of the State of Nevada]~~ in any court of competent jurisdiction. Such an action must be commenced within ~~[1 year]~~ *6 months* after the ~~[date of the action taken in violation of this chapter.]~~ *fine is assessed.*

6. *No criminal penalty or administrative fine may be imposed upon a member of a public body pursuant to this section if:*

(a) *A member of a public body violates a provision of this chapter as a result of legal advice provided by an attorney employed or retained by the public body; and*

(b) *The attorney acknowledges in writing that he or she provided legal advice to the member that resulted in the member violating a provision of this chapter.*

Sec. 13. 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, judges of the Court of Appeals and district judges, and certain justices of the peace and municipal judges, and funded on an



1 actuarial reserve basis is hereby established and must be known as
2 the Judicial Retirement System.

3 2. The System consists of the Judicial Retirement Plan and the
4 provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to
5 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing
6 benefits to justices of the Supreme Court, judges of the Court of
7 Appeals or district judges who served either as a justice of the
8 Supreme Court or district judge before November 5, 2002. Each
9 justice of the Supreme Court, judge of the Court of Appeals or
10 district judge who is not a member of the Public Employees'
11 Retirement System is a member of the Judicial Retirement System.

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

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

26 **Sec. 14.** NRS 244A.611 is hereby amended to read as follows:

27 244A.611 1. The board shall choose one of its members as
28 chair and one of its members as vice chair, and shall elect a
29 secretary and a treasurer, who may be members of the board. The
30 secretary and the treasurer may be one person.

31 2. The secretary shall keep audio recordings or transcripts of all
32 meetings and, in a well-bound book, a record of all of the
33 proceedings of the board, minutes of all meetings, certificates,
34 contracts, bonds given by employees, and all other acts of the board.
35 Except as otherwise provided in NRS 241.035, the minute book,
36 audio recordings, transcripts and records must be open to the
37 inspection of all owners of real property in the county as well as to
38 all other interested persons, at all reasonable times and places. A
39 copy of the minutes *or draft minutes, as applicable*, or audio
40 recordings must be made available to a member of the public upon
41 request at no charge pursuant to NRS 241.035.

42 3. The treasurer shall keep, in permanent records, strict and
43 accurate accounts of all money received by and disbursed for and on
44 behalf of the board and the county. The treasurer shall file with the
45 county clerk, at county expense, a corporate fidelity bond in an



1 amount not less than \$5,000, conditioned for the faithful
2 performance of his or her duties.

3 **Sec. 15.** NRS 266.250 is hereby amended to read as follows:

4 266.250 1. The deliberations, sessions and proceedings of the
5 city council must be public.

6 2. The city council shall keep written minutes and audio
7 recordings or transcripts of its own proceedings as required pursuant
8 to NRS 241.035. The yeas and nays must be taken upon the passage
9 of all ordinances, and all propositions to create any liability against
10 the city, or to grant, deny, increase, decrease, abolish or revoke
11 licenses, and in all other cases at the request of any member of the
12 city council or of the mayor, which yeas and nays must be entered in
13 the minutes of its proceedings. A copy of the minutes *or draft*
14 *minutes, as applicable*, or audio recordings must be made available
15 to a member of the public upon request at no charge pursuant to
16 NRS 241.035.

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

20 **Sec. 16.** NRS 278.290 is hereby amended to read as follows:

21 278.290 1. Meetings of the board must be held at the call of
22 the chair and at such other times as the board may determine. The
23 chair, or in his or her absence the acting chair, may administer oaths
24 and compel the attendance of witnesses. All meetings of the board
25 must be open to the public.

26 2. The board shall adopt rules in accordance with the
27 provisions of any ordinance adopted pursuant to NRS 278.010 to
28 278.630, inclusive.

29 3. The board shall keep minutes of its proceedings, showing
30 the vote of each member upon each question, or, if absent or failing
31 to vote, indicating such fact, and audio recordings or transcripts of
32 its proceedings, and shall keep records of its examinations and other
33 official actions, all of which must be filed immediately in the office
34 of the board and, except as otherwise provided in NRS 241.035, are
35 public records. A copy of the minutes *or draft minutes, as*
36 *applicable*, or audio recordings must be made available to a member
37 of the public upon request at no charge pursuant to NRS 241.035.

38 **Sec. 17.** NRS 284.055 is hereby amended to read as follows:

39 284.055 1. The members of the Commission may meet at the
40 times and places specified by the call of the Chair or a majority of
41 the Commission, but a meeting of the Commission must be held
42 regularly at least once every 3 months.

43 2. Five members of the Commission constitute a quorum. A
44 majority vote of the five members of the Commission is required for



any official action taken by the Commission, including, without limitation:

(a) To adopt, amend or rescind a regulation of the Commission; and

(b) To decide an appeal to the Commission made by an employee in the public service of the State.

3. If an alternate member attends a meeting of the Commission in place of the regular member, the alternate member fully assumes the duties, rights and responsibilities of the replaced regular member for the duration of that meeting and is entitled to the compensation, allowances and expenses otherwise payable for members who attend the meeting.

4. 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 draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

Sec. 18. 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 draft minutes, as applicable*, 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. 19. 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 draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

Sec. 20. 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 draft minutes, as applicable*, 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,



1 318.142 and 318.144 may receive as compensation for his or her
2 service not more than \$9,000 per year. The compensation of the
3 members of a board is payable monthly, if the budget is adequate
4 and a majority of the members of the board vote in favor of such
5 compensation, but no member of the board may receive any other
6 compensation for his or her service to the district as an employee or
7 otherwise. Each member of the board must receive the same amount
8 of compensation. If a majority of the members of the board vote in
9 favor of an increase in the compensation of the trustees, the increase
10 may not become effective until January 1 of the calendar year
11 immediately following the next biennial election of the district as set
12 forth in NRS 318.095.

13 **Sec. 21.** NRS 318A.190 is hereby amended to read as follows:

14 318A.190 1. The board shall choose one of its members as
15 chair of the board and president of the district, and shall elect a
16 secretary and a treasurer of the board and of the district, who may or
17 may not be members of the board. The secretary and the treasurer
18 may be one person.

19 2. The board shall adopt a seal.

20 3. The secretary shall keep a record of all of the board's
21 proceedings, minutes of all meetings, any certificates, contracts,
22 bonds given by employees and all corporate acts. Except as
23 otherwise provided in NRS 241.035, the records must be open to
24 inspection of all owners of real property in the district as well as to
25 all other interested persons. A copy of the minutes *or draft minutes,*
26 *as applicable,* or audio recordings, if any, must be made available
27 to a member of the public upon request at no charge pursuant to
28 NRS 241.035.

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

40 5. Except as otherwise provided in this subsection, each
41 member of a board of trustees of a district organized pursuant to this
42 chapter may receive as compensation for his or her service not more
43 than \$6,000 per year. The compensation of the members of a board
44 is payable monthly, if the budget is adequate and a majority of the
45 members of the board vote in favor of such compensation, but no



1 member of the board may receive any other compensation for his or
2 her service to the district as an employee or otherwise. Each
3 member of the board must receive the same amount of
4 compensation. If a majority of the members of the board vote in
5 favor of an increase in the compensation of the trustees, the increase
6 may not become effective until January 1 of the calendar year
7 immediately following the next biennial election of the district as set
8 forth in NRS 318A.210.

9 **Sec. 22.** NRS 361.365 is hereby amended to read as follows:

10 361.365 1. Each county board of equalization shall, at the
11 expense of the county, cause complete minutes and an audio
12 recording or transcript to be taken at each hearing. In addition to the
13 requirements of NRS 241.035, these minutes must include the title
14 of all exhibits, papers, reports and other documentary evidence
15 submitted to the county board of equalization by the complainant.
16 The clerk of the county board of equalization shall forward the
17 minutes and audio recordings or transcripts to the Secretary of the
18 State Board of Equalization. A copy of the minutes *or draft*
19 *minutes, as applicable*, or audio recordings must be made available
20 to a member of the public upon request at no charge pursuant to
21 NRS 241.035.

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

27 **Sec. 23.** NRS 384.070 is hereby amended to read as follows:

28 384.070 1. The Commission may establish and maintain an
29 office in Virginia City, Storey County, Nevada, in which, except as
30 otherwise provided in NRS 241.035, there must be at all times open
31 to public inspection a complete record of applications for certificates
32 of appropriateness and their disposition, minutes and audio
33 recordings or transcripts of the Commission's meetings, and any
34 regulations adopted by the Commission. A copy of the minutes *or*
35 *draft minutes, as applicable*, or audio recordings must be made
36 available to a member of the public upon request at no charge
37 pursuant to NRS 241.035.

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



information in libraries other than the one maintained by the Commission.

Sec. 24. 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 draft minutes, as applicable*, 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. 25. 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 draft minutes, as applicable*, 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. 26. 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 draft minutes, as applicable*, or audio



1 recordings must be made available to a member of the public upon
2 request at no charge pursuant to NRS 241.035.

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

9 **Sec. 27.** NRS 543.330 is hereby amended to read as follows:

10 543.330 1. The board shall meet in July of each year to
11 organize and choose one of its members as chair of the board and
12 president of the district, and elect a secretary of the board and of the
13 district, who may or may not be a member of the board.

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

16 3. The secretary shall keep audio recordings or transcripts of all
17 meetings and, in a well-bound book, a record of all of the board's
18 proceedings, minutes of all meetings, certificates, contracts, bonds
19 given by employees, and all corporate acts, which, except as
20 otherwise provided in NRS 241.035, must be open to inspection by
21 all owners of real property in the district as well as other interested
22 persons. A copy of the minutes *or draft minutes, as applicable*, or
23 audio recordings must be made available to a member of the public
24 upon request at no charge pursuant to NRS 241.035.

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

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

33 **Sec. 28.** NRS 561.095 is hereby amended to read as follows:

34 561.095 1. The members of the Board may meet at such
35 times and at such places as may be specified by the call of the Chair
36 or a majority of the Board, and a meeting of the Board may be held
37 regularly at least once every 3 months. In case of an emergency,
38 special meetings may be called by the Chair or by the Director.

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

41 3. Minutes and audio recordings or transcripts of each meeting,
42 regular or special, must be filed with the Department and, except as
43 otherwise provided in NRS 241.035, are public records. A copy of
44 the minutes *or draft minutes, as applicable*, or audio recordings



1 must be made available to a member of the public upon request at
2 no charge pursuant to NRS 241.035.

3 **Sec. 29.** NRS 590.505 is hereby amended to read as follows:

4 590.505 1. The Board may adopt a seal for its own use which
5 must have imprinted thereon the words "Board for the Regulation of
6 Liquefied Petroleum Gas." The care and custody of the seal is the
7 responsibility of the Secretary-Treasurer of the Board.

8 2. The Board may appoint an Executive Secretary and may
9 employ or, pursuant to NRS 333.700, contract with such other
10 technical, clerical or investigative personnel as it deems necessary.
11 The Board shall fix the compensation of the Executive Secretary
12 and all other employees and independent contractors. Such
13 compensation must be paid out of the money of the Board. The
14 Board may require the Executive Secretary and any other employees
15 and independent contractors to give a bond to the Board for the
16 faithful performance of their duties, the premiums on the bond being
17 paid out of the money of the Board.

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

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

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

23 4. The Board shall keep accurate records, minutes and audio
24 recordings or transcripts of all meetings and, except as otherwise
25 provided in NRS 241.035, the records, minutes, audio recordings
26 and transcripts so kept must be open to public inspection at all
27 reasonable times. A copy of the minutes *or draft minutes, as*
28 *applicable*, or audio recordings must be made available to a member
29 of the public upon request at no charge pursuant to NRS 241.035.
30 The Board shall also keep a record of all applications for licenses
31 and licenses issued by it. The record of applications and licenses is a
32 public record.

33 **Sec. 30.** Section 7 of the Airport Authority Act for Battle
34 Mountain, being chapter 458, Statutes of Nevada 1983, as last
35 amended by chapter 98, Statutes of Nevada 2013, at page 334, is
36 hereby amended to read as follows:

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

42 2. The Secretary shall keep audio recordings or
43 transcripts of all meetings of the Board and, in a well-bound
44 book, a record of all of the proceedings of the Board, minutes
45 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 draft minutes, as applicable*, 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. 31. Section 6 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as last amended by chapter 98, Statutes of Nevada 2013, at page 334, 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 draft minutes, as applicable*, 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. 32. Section 7 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 98, Statutes of Nevada 2013, at page 334, 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 draft minutes, as applicable*, 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. 33. Section 9.5 of Reno-Tahoe Airport Authority Act, being chapter 369, Statutes of Nevada 2005, as amended by chapter 98, Statutes of Nevada 2013, at page 335, 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 ~~121~~ 3 of NRS 241.035. A copy of the minutes *or draft minutes, as applicable*, 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 ~~141~~ 5 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. 34. Section 9 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 98, Statutes of Nevada 2013, at page 338, 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 draft minutes, as applicable*, 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. 35. 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 62, Statutes of Nevada 2017, at page 242, is hereby amended to read as follows:

Sec. 4. 1. The commissioner appointed pursuant to paragraph (b) or (d) of subsection 1 of section 3 of this act shall file his or her oath of office with the county clerk of



Storey County, 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 draft minutes, as applicable*, 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. 36. Section 27 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, as amended by chapter 98, Statutes of Nevada 2013, at page 340, 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 draft minutes, as applicable*, or audio recordings must be made available to a



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

3 3. 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 and the Regional Water
6 Commission.

7 **Sec. 37.** The provisions of NRS 354.599 do not apply to any
8 additional expenses of a local government that are related to the
9 provisions of this act.

