MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Eighty-third Session
May 26, 2025

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:46 p.m. on Monday, May 26, 2025, in Room 2149 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 8 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, Las Vegas, Nevada. Exhibit A is the agenda. Exhibit B is the attendance roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Edgar Flores, Chair
Senator James Ohrenschall, Vice Chair
Senator Dina Neal
Senator Skip Daly
Senator Lisa Krasner
Senator John Ellison
Senator Lori Rogich

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Heidi Chlarson, Committee Counsel
Lauren Spratt, Committee Counsel
Spencer Jones, Committee Secretary

OTHERS PRESENT:

Mike Morton, Special Assistant Attorney General, Office of the Attorney General
Timothy Galluzi, State CIO, Office of the Governor
Randy Robison, City of Las Vegas
Nick Schneider, Vegas Chamber

SENATOR FLORES:
We will open the hearing with Assembly Bill (A.B.) 64.

ASSEMBLY BILL 64 (2nd Reprint): Revises provisions relating to public meetings. (BDR 19-445)

MIKE MORTON (Special Assistant Attorney General, Office of the Attorney General):
Before you today is A.B. 64 in its second reprint. Nevada's Open Meeting Law, or the OML, was first passed in 1960 and is considered a Sunshine Law. Sunshine Laws exist in many states, and there are laws requiring public disclosure of government agency meetings and records. In enacting the law, the Nevada Legislature declared 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 deliberations be conducted openly. This intent is stated in *Nevada Revised Statutes* (NRS) 241.010. When the Attorney General's Office conducts trainings on this law to public bodies across the State, the Office emphasizes the importance of this provision as it guides the interpretation of the law by both our office and by the courts.

Nevada courts have stated that the OML was promulgated for the public's benefit and as such should be construed in favor of openness and transparency. The OML applies to meetings of Nevada's public bodies, both of which are terms defined in NRS 241. A public body is defined in NRS 241.015 and includes any administrative, advisory, executive or legislative body of the State or local government consisting of two or more people which expends, disburses or is supported in whole or in part by tax revenue, or which makes collective decisions or recommendations to such a body and is created by the State Constitution, a statute, regulation, city or county charter or ordinance, executive order or former resolution. Subcommittees of public bodies are also public bodies themselves.

The Legislature is exempt from the OML by NRS 241.016, although it often follows many of the same procedural standards such as publishing agendas, allowing public comment and facilitating public access to meetings. The OML also only applies to a meeting of a public body which is defined in NRS 241.015 as a quorum of the body together with deliberation or action. A quorum is generally defined as a simple majority of the public body. Deliberation is to collectively weigh, examine, reflect or discuss, while action is a majority vote.

The OML does not prevent all private discussions by members of a public body, but only those that involve a quorum. The OML imposes several requirements on public bodies including the posting of a full agenda that clearly and completely describes all items to be discussed, to be posted not later than 9:00 a.m. on the third working day prior to the meeting. Meeting notices also must be posted on the State's notice website, at the public body's principal office and the public body's website, if it maintains one. The agenda outline requires public comment periods at the beginning and the end of every meeting or before action items. It further requires that all supported material be made available to the public when it is provided to members of the public body.

Public bodies are also required to keep minutes of their meetings that include the substance of discussions and actions. By design, exceptions to the Open Meeting Law are few and narrow. Public bodies may hold closed sessions to consider the character, alleged misconduct or professional competence of a person. They may also receive information from their attorney regarding potential or existing litigation involving a matter over which the public body has jurisdiction and to deliberate toward a decision outside of the agenda's meeting. However, certain litigation decisions must be taken during an open meeting unless the public body has delegated that authority to its chair or chief executive. Additionally, emergency meetings are authorized by statute but may only be used to address truly unforeseen circumstances such as disasters or health and safety emergencies.

Any action taken in violation of the OML is void, and the Office of the Attorney General has statutory enforcement power to investigate and prosecute violations of the OML. Additionally, any person denied a right conferred by chapter 241 of NRS may sue to have an action declared void. The public does not have to rely solely on the Attorney General's Office for enforcement. Criminal and civil penalties may also apply to members of a public body if they knowingly violate the OML.

The Office of the Attorney General strives to assist members of the public and public bodies in understanding and complying with the OML. We provide training to public bodies across the State and offer training videos on our website that are available to the public. There is a deputy attorney general assigned to answer Open Meeting Law questions every day.

With that background, A.B. 64 makes the following proposed changes to the Open Meeting Law. In section 1, the bill changes the exception for attorney-client conferences with public bodies to include all legal advice and deliberations regarding that legal advice, not just advice regarding potential or existing litigation. It can be difficult at times to determine whether the topic a body is receiving advice on is potential litigation versus general legal advice. This change will allow the attorney-client exception to extend to all legal advice that would otherwise be protected by the attorney-client privilege, if that client were not a public body.

Sections 2 and 3 have been deleted by amendment. Section 4 clarifies the meaning of the physical location requirement for contested cases and regulation hearings. It clarifies that the requirement for virtual public comment options is limited to when there is no physical location for the meeting.

Section 5 removes any special privilege for a public commenter to defame or slander another person. This does not impose any additional obligations or legal liability but simply puts public commenters on the same legal footing regarding defamation as if they were to make those statements anywhere else.

Finally, section 6 clarifies that all provisions of the OML do not apply to proceedings related to an investigation conducted to determine whether to proceed with disciplinary action against a licensee under Title 54 of NRS which governs professional licenses in the State.

The existing language makes it unclear whether the proceedings are entirely exempted from the OML or just exempted from the agenda and notice requirements. The proceedings described in this provision occur prior to any due process protections attaching as they are preliminary investigatory proceedings. Many boards created pursuant to Title 54 of NRS already have specific exceptions from the OML for their investigatory committees, but this provision covers those boards that do not have specific exemptions in their individual statutory chapters.

SENATOR DALY:
Section 1, sub[section] 4, [paragraph] (c) regarding the legal advice, etcetera. Give me an explanation of what can be done now and what this would change. If I heard your testimony right, they could only do this before on potential or existing litigation. Now they could do it for just about anything. I have some

examples that I might be able to tell you after I hear your response and see how this works.

MR. MORTON:
Yes, you are correct. Currently under existing law, the public body can have a closed session not subject to the OML to discuss any litigation, potential or existing litigation. The provisions of section 1 of A.B. 64 would apply to all legal advice but just legal advice. An example would be if a public body was discussing the provisions of contract negotiations with a vendor or for a piece of property, provided that those conversations were limited to only legal advice from the public body's counsel on that matter, those would all be provided an exemption from the OML.

SENATOR DALY:
I understand the attorney-client privilege and privilege in being able to get advice from the counsel not in an open meeting environment, but one situation I recall I had with Douglas County School District where they had on their agenda to award a project construction manager at risk, and they had three different venues all under one contract. I walked through, gave them a 15-minute presentation and said this is where you are violating the law here, this is why you can't do this here. This would not be in accordance with NRS if you go forward with this in three different places.

They went into a private session, came out and voted it out and did not say another word about anything. I suppose they were in talking to their attorney about what. How are you going to know such deliberation is limited to the legal advice because they went back and talked. I know that is under the old language about all of it. Is he right? Is his interpretation correct?

They deliberated about the issue on whether they should proceed, which they did not do with a public body. According to the old language, how is it going to be done now if this passes and how are you going to know if they limit it to legal advice? Is that going to be based on what they come out and say when they are done? If they just move on to the next issue and vote it out and have no other discuss, how are we going to know?

MR. MORTON:
It would be incumbent upon that public body's counsel to abide by the OML as it exists. When they are conducting that meeting in those deliberations, the

Attorney General's Office takes OML complaints all the time, almost every day, and we in our Open Government Division thoroughly investigate all of those complaints. Our investigatory power of OML violations would allow us to delve deeper into what might have happened in that closed session in order to determine whether or not a violation did occur.

SENATOR DALY:
It is just going to be we have to trust the honesty of lawyers. It is going to be kind of be, in that particular situation if they went back to discuss, to say, are we in compliance with this? Are we compliance with that? They came out and they said they discussed just the legal issue and said, is this correct or are we within our bounds, etcetera? The only way you are going to know if they discuss more than just the legal issue is going to be based on what the discussion is when they come out from that.

I am just saying you would have to make the complaint based on the fact that negative evidence almost is—well, they did not say anything more about any issue, much less the legal issue, and just moved off on the agenda—passed the motion is all they did. Is that going to be evidence or not?

MR. MORTON:
Obviously, every OML complaint or alleged violation is very facts-specific. I would contend that probably no two OML complaints or alleged violations are the same. Everything would be based on the facts and circumstances of the specific meeting of that public body.

SENATOR KRASNER:
My question is in regard to section 5, subsection 3; it actually encompasses section 5, subsections 1, 2 and 3. In section 5, subsection 1, it kind of talks about how a statement made by a member of the public and a public body in the course of a public meeting is absolutely privileged and does not impose liability for defamation. But then in the new section; section 5, subsection 3 says, except as otherwise provided by law, nothing in this chapter should be construed to affect any civil cause of action for defamation, liable, slander arising from defamatory statements made by a member of the public while he or she provides public comment at a public body. Right now—and I know some of these public meetings get heated—if a member of the public comes in and says to an elected official, let us just say a city council person, "I think you are lying, and you lied about x, y and z before." That is privileged. With this new change

in section 5, subsection 3, would that city council person or other elected official now be able to sue that member of the public for slander or defamation of character with this new section?

MR. MORTON:
Senator Krasner, again, similar to my last answer to Senator Daly, every single one of those instances is very fact-specific and not something a general rule can cover. What the new proposed subsection 3 does is to ensure, for the mere fact, that a public comment period exists, it does not give any special status to that member of the public to say whatever they want. Everyone gives their public comment for their own reasons. They're always allowed to offer their opinion on any matter on an agenda.

What the OML working group wanted to ensure was that no sort of special status was conferred upon a member of the public for the mere fact that they were offering public comment. Defamation, slander and libel laws exist and have their own standards of evidence as they are laid out in NRS. For the fact of saying something during public comment does not absolutely absolve that person from libel and slander laws as they are currently written.

SENATOR ELLISON:
The reason for the OML was people would wait all day trying to get a comment onto a previous agenda. We had to do that because when they get back toward the back, they just shut it off. People waited all day, and we [former Assemblymember John Carpenter and Senator John Ellison] put that law into effect. The OML, and that is what it is for, an open agenda at the beginning and the end to make a comment that the board sees that it is fit, and they will put it on the next previous agenda. One of the questions I have is you cannot take anything that is not on the agenda and take it into a private hearing unless it is set on the agenda that way, is that correct?

MR. MORTON:
Closed sessions, closed portions of a public meeting, can happen. But yes, they would be agendized as such. A public body can go into closed session during an open public meeting, but those particular sessions are agendized.

SENATOR ELLISON:
I did not understand that when you did your presentation. It sounded like you could just take anything off the agenda and go into a private session. I do not

think legally that could happen unless it is not agendized that way. The reason we had so many changes in that law was because of the issues that would come up on that agenda. We had to make sure there was an area in there that says, wait, we are going to have to stop, we are going to the agenda, and we will come back and then go into private session. That is the only way it seemed like we could do that and keep that on the law and protect not only the public but also the board that it was heading to.

SENATOR NEAL:
It was the section for the legal advice. You were just having that conversation with Senator Daly. It is just a strikeout of the potential litigation. If a person is in a public meeting, let us just use the example a city council meeting, and a city council member is asking do you believe that certain instances or issues that have been affected or created are going to create liability for the city? Would that question fall out of the public meeting, or could that actually be discussed because the potential litigation matter is not real yet, it is just a discussion. An attorney could see that, it is like, I am giving somewhat legal advice by saying it could potentially happen, but most constituents want to come, and they have questions on whether or not something is creating a legal liability and that is not necessarily legal advice. It just wants to know will this turn into a lawsuit. That is a legit question. Is that now excluded?

MR. MORTON:
Senator Neal, I think the operative language in section 1, subsection 4, paragraph (c), that you're asking a question about is that legal advice that has to be tied to deliberation by the public body. If a member of the public body in your hypothetical is just asking a question; "Oh, if we go down this road, could somebody sue or could somebody bring action against our entity that would not necessarily be exempt from the Open Meeting Law?" It is legal advice toward deliberation, and deliberation is always agendized. While I try not to answer hypotheticals with a yes or no answer on the record, especially about the Open Meeting Law, that specific one would not necessarily be exempt from the Open Meeting Law.

SENATOR ROGICH:
Going back to section 5, could you please explain what happens if a member of the public, during public comment, makes statements that are a targeted harassment that singles out a group or a person on the panel or counsel, etcetera, based on their ethnic and religious identity. For example, Jewish

people. You have someone sitting here giving public comment, but it is a targeted harassment. Does this bill prevent that? If you can, explain if that is covered under this? I know you discussed defamation, etcetera, but when it rises to targeted harassment, what would occur?

MR. MORTON:
Senator Rogich, under the existing Open Meeting Law, while outside of this bill, a public body always has the authority to limit or stop public comment when it arises to something that basically prevents the public body from conducting its business. In your specific hypothetical, the public body would rely on their specific counsel to determine that. In the targeting of one specific member of a public body, it would be then incumbent upon that member of that public body if they wanted to pursue, like their own separate action or litigation on whatever might have been said, whether it rose to the level of defamation, slander or libel. From the public body's point of view, under existing law, the public body has the right to limit or put place, time and manner restrictions on public comment to ensure something like that does not occur.

CHAIR FLORES:
I did want to make a point of clarification. [It] appears we accidentally listed the wrong number for today for folks to be able to connect via public comment. I just want to make it clear that if you want to join us for testimony support, opposition and neutral or public comment today, you must call 669-900-6833. I believe the number we traditionally use in our committee is not working at this time. Seeing none and having no one on the phone, I will close the hearing on A.B. 64 and open the hearing on Senate Bill (S.B.) 467.

SENATE BILL 467: Revises provisions relating to cybersecurity. (BDR 19-1149)

TIMOTHY GALLUZI (State CIO, Office of the Governor):
I have the pleasure of introducing S.B. 467, which is the enabling legislation for a previously approved budgetary decision unit. This bill implements the transition of the Office of Cyber Defense Coordination (OCDC) from the Department of Public Safety to the Office of the Chief Information Officer, combining it with the Office of Information Security (OIS) and creating the Office of Information Security and Cyber Defense.

The vast majority of this language is a direct copy from the enabling legislation of the Office of Cyber Defense Coordination as it currently exists in NRS 480

and has since its inception since 2017, with minor adjustments to fit within the organizational structure within the Office of the Chief Information Officer, and to combine it with the existing Office of Information Security as it sits within NRS 242.

Currently, OIS is focused inwardly on the Executive Branch, supporting our agency's partners, providing enterprise services where OCDC is externally focused, coordinating activities primarily with municipal entities, counties and cities—also, with some internal mission. As you could probably imagine, this has historically caused confusion and overlaps. This legislation solves that and creates a cohesive cybersecurity unit to enhance collaboration and communication with the Executive Branch and externally as cyber threats do not stop at our boundaries. I have discussed this bill with stakeholders for municipal entities, and I want to be very clear on the legislative record. There is no intent in section 13, which is carryover enabling legislation from OCDC, to prescribe the investments entities may make. The intent of this action is to publish a strategic plan that includes best practices, recommendations and guidelines, not mandates.

Sections 1, 15 and 16 handle the creation and public disclosure of cybersecurity incident response plans and reports. Sections 2, 3, 15 through 16, 26 and 27 move the Office of Cyber Defense Coordination to the Office of the Chief Information Officer. Section 17 merges the Office of Cyber Defense Coordination with the Office of Information Security. Sections 18 and 31 are in regard to the leader of OISCD or the Office of Information Security and Cyber Defense. Section 19 requires the CIO to adopt regulations in support of the policy of the OISCD. Section 35 repeals provisions of NRS regarding OCDC from NRS 480. Sections 23 through 25 make conforming changes to support the repealing of those provisions.

SENATOR NEAL:
On section 11, subsection 1, paragraph (c), I know it says "Private entities, to the extent practicable." What private entities are you envisioning who would be a part of a strategic planning when you have the public policy statement about how information needs to be protected?

MR. GALLUZI:
I think what we are envisioning here are any potential public-private partnerships. When we look at private entities, for instance, we currently have a

contract with a consulting vendor, and they provide cybersecurity consulting, infrastructure consulting, research and advisory services. This section would enable us to continue those activities to provide us best practices in regard to private entities when we're developing plans. I believe this is also carryover language from [NRS] 480 as well.

SENATOR NEAL:
You do not expect there to be a cost associated with that public-private partnership?

MR. GALLUZI:
Not outside of current business practices. If we currently have investments in those types of contracts, those investments would be in our current operations. Other opportunities for those types of partnerships would be working with, let us say [the] gaming industry. If they have critical vectors or concerns with cyber threats and they want to potentially be involved in strategic planning conversations, stopping short of investments, we would be open to having conversations with them to at least have a strategic conversation about how we can grow cybersecurity maturity throughout the State. We can have those conversations and build up an atmosphere where we are all looking out for each other between the public and private because we all need to work together. That is what this line would enable us to do. We are not throwing up massive walls and preventing those conversations.

SENATOR DALY:
My questions are in that same section about the public or private entity in the State, and then you are going to establish partnership with the private entities to the extent practicable. I understand where you would hire a vendor to provide security services, software or hardware and they have a maintenance agreement to continue with that. Is that what we are talking about? I know you mentioned gaming on some of that stuff. I am just trying to figure out how some of that coordinates.

MR. GALLUZI:
There are also a lot of best practices in this space, in the cybersecurity space, in just the general IT space. We invest in research and advisory services in order to stay abreast of those. We bring in those services to ensure our folks are trained up, and we are bringing those best practices into Nevada. That is kind of what I was talking about specifically in that case.

I think that there are also opportunities in which we can reach out to the private sector throughout Nevada to figure out what they are doing because they are obviously—in some situations, in a lot of situations—a bit better resourced than we are when it comes to technology and resources available to them. We want to learn from them in any opportunity we get. With this provision in section 11, [subsection] 1, sub[paragraph] (c) would allow us that opportunity to bring them in and pick their brain.

One example of where we do that is the Information Technology Advisory Board that is currently in existence within the Office of the Chief Information Officer right now. We have community representatives. Some representatives are representing in gaming right now and in the hospitality industry. That is an example of where we are bringing in folks from the private sector to show us where the best practices are not only within cybersecurity but technology in general.

SENATOR DALY:
That is why I asked the question and followed up on that because you mentioned public-private partnerships, and I do not want to confuse terms or get too in the weeds on that. Generally, that means there is a private partner who is willing to make an investment and there is a return on the other end. That means there has to be a revenue stream for you and to pay them to do that. For instance, if you are going to build the toll road—Sparks was looking at the public-private partnerships—and we do not have the money to build the toll road, we will put up to $100 million to build the road, and you are going to pay us back over 30 years for us to operate and maintain, etcetera. There has to be a revenue source for them to do that. You guys are not talking about that type of public-private partnership. I just want to make sure we are using the terms correctly. I understand getting information on an advisory council on what the best practices are. But to my knowledge, there's no revenue source for a public-private partnership. No way to pay them back.

MR. GALLUZI:
I am picking up what you are putting down. Yes, this provision is not alluding to that type of public-private partnership. We do have some areas within Office of the Chief Information Officer at large that currently have revenue contracts with nongovernmental agencies, entities. This provision specifically does not discuss that.

SENATOR DALY:
You are talking about partnering with vendors; partnering with other people in the industry to develop best practices; and then we would implement that separately or whatever revenue stream you may have. But basically you are buying a service.

MR. GALLUZI:
Yes, absolutely.

SENATOR ELLISON:
It says, relating to the Governor's administration, transferring the Nevada Office of Cyber Defense Coordination to the Department of Public Safety. Isn't that within the same office?

MR. GALLUZI:
This bill is transitioning the Office of Cyber Defense Coordination from the Department of Public Safety to the Office of the Chief Information Officer and then combining it with the Office of Information Security within the Office of the Chief Information Officer.

RANDY ROBISON (City of Las Vegas):
We are in support of this bill. We think it is a good move, not only from a governance and maybe efficiency standpoint but also from a cybersecurity threat defensive posture standpoint. There are just so many threats that occur on a daily basis. You think of Las Vegas as an internationally iconic brand, let alone name of a city, and there are just hundreds of thousands of attacks per day. Globally, folks just trying to get in somewhere. They do not care where, they do not care how, they just want to get in. For us, [it's] being able to coordinate not only locally with our partners and fellow jurisdictions in the South but with the State overall.

In a previous role, I was government affairs director for an international telecom firm. We were involved when OCD Office of Cyber Defense Coordination was first created in 2015 with then-Governor Brian Sandoval. We had those conversations that you have been having now about how we tap into the knowledge and expertise of the private sector to help protect us as a state overall. I can tell you lots of scary stories of what is happening out there, and the threat has just evolved since then and continues to evolve every day.

A strategy like this, where we all get on the same page together, is crucial to defend all of us. We were particularly concerned as Mr. Galluzi pointed out with section 13, [subsection] 2, [paragraph] (d). That existing language was heavily worked upon when it was first created back in 2015 with the OCDC, and it has not been an issue, but we wanted to make sure when the State makes recommendations for investments, it is vendor-neutral. There are instances where it makes sense to have a variety. We appreciate him putting it on the record.

NICK SCHNEIDER (Vegas Chamber):
For the sake of brevity, we will echo what comes from my colleague, Mr. Robison. We are in strong support of this bill and its efforts to modernize and streamline our cybersecurity response initiatives.

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CHAIR FLORES:
We will close out the hearing on S.B. 467. With no public comment, we are adjourned at 4:33 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator Edgar Flores, Chair

DATE:

EXHIBIT SUMMARY				
Bill	**Exhibit Letter**	**Introduced on Minute Report Page No.**	**Witness / Entity**	**Description**
	A	1		Agenda
	B	1		Attendance Roster