



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** March 21, 2019

Staff Contact: Adriana Fralick, Deputy City Manager

Agenda Title: For Possible Action: Discussion and possible action on Assembly Bill (AB) 70 of the 80th (2019) Session of the Nevada Legislature, a bill that makes various changes relating to NRS Chapter 241, the Nevada Open Meeting Law. (Adriana Fralick, afralick@carson.org)

Staff Summary: During this legislative session of the Nevada Legislature, City staff will bring to meetings of the Board of Supervisors legislative bills as requested by the Board for review. AB 70 makes sweeping changes to the Open Meeting Law. The Office of the Attorney General submitted a proposed amendment to the bill based on recommendations from its Open Meeting Law Task Force that is intended to address most of the concerns voiced by public bodies and their representatives, including Carson City.

Agenda Action: Formal Action / Motion **Time Requested:** 5 minutes

Proposed Motion

I move to (support, oppose, remain neutral on) AB70.

Board's Strategic Goal

Efficient Government

Previous Action

None

Background/Issues & Analysis

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 16241.015) 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 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 Attorney General's proposed amendment remedies many of the onerous sections of the bill, including, allowing members of a public body to delegate litigation decisions to its executive director or chair; clarifying requirements for public bodies to obtain reasonably large facilities for meetings; removal of the requirement that the public can participate in a meeting by electronic means; training by legal or the Ethics Commission doesn't constitute a "public meeting"; clarifies when a subcommittee or working group is subject to the Open Meeting Law; deletes the requirement to approve the agenda or the meeting has to end; deletes the requirement that draft minutes must be made available if the final minutes are not complete; changes the retention schedule for recordings down to 3 from 5 years; adds a one year statute of limitations for complaints filed with the Attorney General and allows the Attorney General to decline to investigate and prosecute any allegation raised in bad faith or brought by a complainant whose interests are not significantly impacted by the public body; clarifies procedure for when a complaint is filed; sets out administrative fines and provides that such fines and criminal penalties may not be imposed if a member of a public body violated the law with the advice of legal counsel for

the public body; clarifies the process for closed meetings to consider character, misconduct, competence or health of a person.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 244.146; Carson City Charter, Art. 2, Sec. 2090; NRS Chapter 241

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Take a position to support, oppose or remain neutral on this bill;

Not take a position;

Mayor remand back to staff with instructions based on discussion on the record.

Attachments:

[AB70.pdf](#)

[0306ab70_OttG_Proposed Amendment.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

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:

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

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

13 Existing law sets forth the circumstances when a public body is required to
14 comply with the Open Meeting Law. Under existing law, a public body may gather
15 to receive information from an attorney employed or retained by the public body
16 regarding certain matters without complying with the Open Meeting Law. (NRS
17 241.015) **Section 3** of this bill clarifies that any action taken by a public body
18 arising out of any such gathering must be taken in a meeting held in compliance
19 with the Open Meeting Law.



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

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

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

28 The Open Meeting Law sets forth the minimum public notice required for
29 meetings of public bodies, including the posting of an agenda. (NRS 241.020)

30 **Section 6** of this bill requires that an agenda include an item on which action may
31 be taken by the public body to approve the agenda before proceeding with any
32 other action item. **Section 6** also requires the chair of the public body to end the
33 meeting if a quorum does not approve the agenda.

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

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

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

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

57 Under existing law, the Attorney General is required to investigate and
58 prosecute any violation of the Open Meeting Law. (NRS 241.039) **Section 10** of
59 this bill: (1) requires the Attorney General to investigate and prosecute a violation
60 of the Open Meeting Law if a complaint is filed not later than 120 days after the
61 alleged violation; and (2) gives the Attorney General discretion to investigate and
62 prosecute a violation of the Open Meeting Law if a complaint is filed more than
63 120 days after the alleged violation.

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

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



75 graduated for multiple offenses. **Section 12** also creates an exception to these
76 penalties and fines where the member violated the Open Meeting Law based on
77 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:

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

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

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

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

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

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

21 **Sec. 4.** NRS 241.010 is hereby amended to read as follows:

22 241.010 ~~[1.]~~ In enacting this chapter, the Legislature finds
23 and declares that all public bodies exist to aid in the conduct of the
24 people's business. It is the intent of the law that their actions be
25 taken openly and that their deliberations be conducted openly.

26 ~~[2. If any member of a public body is present by means of~~
27 ~~teleconference or videoconference at any meeting of the public~~
28 ~~body, the public body shall ensure that all the members of the public~~
29 ~~body and the members of the public who are present at the meeting~~
30 ~~can hear or observe and participate in the meeting.]~~

31 **Sec. 5.** NRS 241.015 is hereby amended to read as follows:

32 241.015 As used in this chapter, unless the context otherwise
33 requires:

34 1. "Action" means:

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



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

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

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

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

15 3. "Meeting":

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

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

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

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

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

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

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

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

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

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



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

4 4. Except as otherwise provided in NRS 241.016, “public
5 body” means:

6 (a) Any administrative, advisory, executive or legislative body
7 of the State or a local government consisting of at least two persons
8 which expends or disburses or is supported in whole or in part by
9 tax revenue or which advises or makes recommendations to any
10 entity which expends or disburses or is supported in whole or in part
11 by tax revenue, including, but not limited to, any board,
12 commission, committee, subcommittee or other subsidiary thereof
13 and includes a library foundation as defined in NRS 379.0056, an
14 educational foundation as defined in subsection 3 of NRS 388.750
15 and a university foundation as defined in subsection 3 of NRS
16 396.405, if the administrative, advisory, executive or legislative
17 body is created by:

18 (1) The Constitution of this State;

19 (2) Any statute of this State;

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

22 (4) The Nevada Administrative Code;

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

24 241.020 1. Except as otherwise provided by specific statute,
25 all meetings of public bodies must be open and public, and all
26 persons must be permitted to attend any meeting of these public
27 bodies. A meeting that is closed pursuant to a specific statute may
28 only be closed to the extent specified in the statute allowing the
29 meeting to be closed. All other portions of the meeting must be open
30 and public, and the public body must comply with all other
31 provisions of this chapter to the extent not specifically precluded by
32 the specific statute. Public officers and employees responsible for
33 these meetings shall make reasonable efforts to assist and
34 accommodate persons with physical disabilities desiring to attend.

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

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

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

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

45 (d) An agenda consisting of:



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

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

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

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

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

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

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

35 ~~[(4)]~~ (5) If any portion of the meeting will be closed to
36 consider the character, alleged misconduct or professional
37 competence of a person, the name of the person whose character,
38 alleged misconduct or professional competence will be considered.

39 ~~[(5)]~~ (6) If, during any portion of the meeting, the public
40 body will consider whether to take administrative action regarding a
41 person, the name of that person.

42 ~~[(6)]~~ (7) Notification that:

43 (I) Items on the agenda may be taken out of order ~~[(7)]~~ *at*
44 *the discretion of the chair;*



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

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

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

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

13 3. Minimum public notice is:

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

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

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

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

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

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

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

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



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

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

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

15 (a) An agenda for a public meeting;

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

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

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

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

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

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

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

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

42 (b) If the supporting material is provided to the members of the
43 public body at the meeting, made available at the meeting to the
44 requester at the same time the material is provided to the members
45 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.



1 (b) Those members of the public body who were present,
2 whether in person or by means of electronic communication, and
3 those who were absent.

4 (c) The substance of all matters proposed, discussed or decided
5 and, at the request of any member, a record of each member's vote
6 on any matter decided by vote.

7 (d) The substance of remarks made by any member of the
8 general public who addresses the public body if the member of the
9 general public requests that the minutes reflect those remarks or, if
10 the member of the general public has prepared written remarks, a
11 copy of the prepared remarks if the member of the general public
12 submits a copy for inclusion.

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

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

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

21 3. Minutes of public meetings are public records. Minutes *or*
22 *draft minutes, as applicable*, or an audio recording of a meeting
23 made in accordance with subsection ~~[4]~~ 5 must be made available
24 for inspection by the public within 30 working days after
25 adjournment of the meeting. ~~[A]~~ *If a public body does not approve*
26 *the minutes of a public meeting within 30 working days after*
27 *adjournment of the meeting, a provisional version of the minutes*
28 *clearly marked "draft" must be made available for inspection by*
29 *the public until the public body approves the minutes of the public*
30 *meeting. The public body must make a* copy of the minutes *or draft*
31 *minutes, as applicable*, or audio recording ~~[must be made]~~ available
32 to a member of the public upon request at no charge. ~~[The]~~ *All*
33 *minutes of a meeting of a public body, including, without*
34 *limitation, draft versions of minutes*, shall be deemed to have
35 permanent value and must be retained by the public body for at least
36 5 years. Thereafter, the minutes may be transferred for archival
37 preservation in accordance with NRS 239.080 to 239.125, inclusive.
38 Minutes of meetings closed pursuant to:

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



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

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

13 ~~[3.]~~ 4. All or part of any meeting of a public body may be
14 recorded on audiotape or any other means of sound or video
15 reproduction by a member of the general public if it is a public
16 meeting so long as this in no way interferes with the conduct of the
17 meeting.

18 ~~[4.]~~ 5. Except as otherwise provided in subsection ~~[7.]~~ 9, a
19 public body shall, for each of its meetings, whether public or closed,
20 record the meeting on audiotape or another means of sound
21 reproduction or cause the meeting to be transcribed by a court
22 reporter who is certified pursuant to chapter 656 of NRS. If a public
23 body makes an audio recording of a meeting or causes a meeting to
24 be transcribed pursuant to this subsection, the audio recording or
25 transcript:

26 (a) Must be retained by the public body for at least ~~[1-year]~~ 5
27 *years* after the adjournment of the meeting at which it was recorded
28 or transcribed;

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

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

34 ~~[5.]~~ 6. The requirement set forth in subsection ~~[2.]~~ 3 that a
35 public body make available a copy of the minutes *or draft minutes,*
36 *if applicable,* or audio recording of a meeting to a member of the
37 public upon request at no charge does not ~~[-]~~

38 ~~—(a) Prohibit] prohibit~~ a court reporter who is certified pursuant
39 to chapter 656 of NRS from charging a fee to the public body for
40 any services relating to the transcription of a meeting. ~~[-or]~~

41 ~~—(b) Require a]~~

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



1 ~~[6.]~~ 8. Except as otherwise provided in subsection ~~[7.]~~ 9, any
2 portion of a public meeting which is closed must also be recorded or
3 transcribed and the recording or transcript must be retained and
4 made available for inspection pursuant to the provisions of
5 subsection ~~[2.]~~ 3 relating to records of closed meetings. Any
6 recording or transcript made pursuant to this subsection must be
7 made available to the Attorney General upon request.

8 ~~[7.]~~ 9. If a public body makes a good faith effort to comply
9 with the provisions of subsections ~~[4.]~~ 5 and ~~[6.]~~ 8 but is prevented
10 from doing so because of factors beyond the public body's
11 reasonable control, including, without limitation, a power outage, a
12 mechanical failure or other unforeseen event, such failure does not
13 constitute a violation of the provisions of this chapter.

14 **Sec. 8.** NRS 241.0365 is hereby amended to read as follows:

15 241.0365 1. Except as otherwise provided in subsection 4, if
16 a public body, after providing the notice described in subsection 2,
17 takes action in conformity with this chapter to correct an alleged
18 violation of this chapter within 30 days after the alleged violation,
19 the Attorney General may decide not to commence prosecution of
20 the alleged violation if the Attorney General determines foregoing
21 prosecution would be in the best interests of the public.

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

30 3. For purposes of subsection 1, ~~[the]~~ any period of limitations
31 set forth in subsection 3 of NRS 241.037 by which the Attorney
32 General may bring suit is tolled for ~~[30]~~ 60 days.

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

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

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

41 241.037 1. The Attorney General may sue in any court of
42 competent jurisdiction to have an action taken by a public body
43 declared void or for an injunction against any public body or person
44 to require compliance with or prevent violations of the provisions of
45 this chapter. The injunction:



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

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

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

14 3. Except as otherwise provided in NRS 241.0365:

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

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

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

36 241.039 1. A complaint that alleges a violation of this
37 chapter may be filed with the Office of the Attorney General.

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

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

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



1 *120 days after the alleged violation with the Office of the Attorney*
2 *General.*

3 3. Except as otherwise provided in subsection 6 and NRS
4 239.0115, all documents and other information compiled as a result
5 of an investigation conducted pursuant to subsection 2 are
6 confidential until the investigation is closed.

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

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

12 6. The following are public records:

13 (a) A complaint filed pursuant to subsection 1.

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

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

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

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

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

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

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

35 241.0395 1. If the Attorney General makes findings of fact
36 and conclusions of law that a public body has ~~taken action in~~
37 ~~violation of~~ *violated* any provision of this chapter, the public body
38 must include an item on the next agenda posted for a meeting of the
39 public body which acknowledges the findings of fact and
40 conclusions of law. The opinion of the Attorney General must be
41 treated as supporting material for the item on the agenda for the
42 purposes of NRS 241.020.

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



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

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

4 241.040 1. ~~Each~~ *Except as otherwise provided in*
5 *subsection 6, each* member of a public body who attends a meeting
6 of that public body where ~~action is taken in violation of~~ any
7 ~~provision~~ *violation* of this chapter ~~[- with]~~ *occurs and has*
8 knowledge of the ~~fact that the meeting is in violation thereof,~~
9 *violation*, is guilty of a misdemeanor.

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

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

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

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

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

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

27 5. *A member of a public body assessed an administrative fine*
28 *pursuant to this section may contest the fine* in a civil action
29 brought ~~in the name of the State of Nevada~~ in any court of
30 competent jurisdiction. Such an action must be commenced within
31 ~~[1 year]~~ *6 months* after the ~~[date of the action taken in violation of~~
32 ~~this chapter.]~~ *fine is assessed.*

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

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

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

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

42 1A.100 1. A system of retirement providing benefits for the
43 retirement, disability or death of all justices of the Supreme Court,
44 judges of the Court of Appeals and district judges, and certain
45 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



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

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

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

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

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

20 **Sec. 18.** NRS 286.110 is hereby amended to read as follows:

21 286.110 1. A system of retirement providing benefits for the
22 retirement, disability or death of employees of public employers and
23 funded on an actuarial reserve basis is hereby established and must
24 be known as the Public Employees' Retirement System. The System
25 is a public agency supported by administrative fees transferred from
26 the retirement funds. The Executive and Legislative Departments of
27 the State Government shall regularly review the System.

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

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

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



1 **Sec. 19.** NRS 287.0438 is hereby amended to read as follows:
2 287.0438 Except for the files of individual members and
3 former members, the correspondence, files, minutes, audio
4 recordings, transcripts and books of the Program are, except as
5 otherwise provided in NRS 241.035, public records. A copy of the
6 minutes *or draft minutes, as applicable*, or audio recordings must
7 be made available to a member of the public upon request at no
8 charge pursuant to NRS 241.035.

9 **Sec. 20.** NRS 318.085 is hereby amended to read as follows:
10 318.085 Except as otherwise provided in NRS 318.0953 and
11 318.09533:

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

17 2. The board shall adopt a seal.

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

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

40 5. Except as otherwise provided in this subsection, each
41 member of a board of trustees of a district organized or reorganized
42 pursuant to this chapter may receive as compensation for his or her
43 service not more than \$6,000 per year. Each member of a board of
44 trustees of a district that is organized or reorganized pursuant to this
45 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



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

3 **Sec. 24.** NRS 422.2369 is hereby amended to read as follows:
4 422.2369 1. Before adopting, amending or repealing any
5 regulation for the administration of a program of public assistance
6 or any other program for which the Division is responsible, the
7 Administrator must give at least 30 days' notice of the intended
8 action.

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

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

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

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

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

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

28 4. The Administrator shall keep, retain and make available for
29 public inspection written minutes and an audio recording or
30 transcript of each public hearing held pursuant to this section in the
31 manner provided in NRS 241.035. A copy of the minutes *or draft*
32 *minutes, as applicable*, or audio recordings must be made available
33 to a member of the public upon request at no charge pursuant to
34 NRS 241.035.

35 5. An objection to any regulation on the ground of
36 noncompliance with the procedural requirements of this section may
37 not be made more than 2 years after its effective date.

38 **Sec. 25.** NRS 422A.190 is hereby amended to read as follows:
39 422A.190 1. Before adopting, amending or repealing any
40 regulation for the administration of a program of public assistance
41 or any other program for which the Division is responsible, the
42 Administrator must give at least 30 days' notice of the intended
43 action.

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



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

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

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

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

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

19 4. The Administrator shall keep, retain and make available for
20 public inspection written minutes and an audio recording or
21 transcript of each public hearing held pursuant to this section in the
22 manner provided in NRS 241.035. A copy of the minutes *or draft*
23 *minutes, as applicable*, or audio recordings must be made available
24 to a member of the public upon request at no charge pursuant to
25 NRS 241.035.

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

29 **Sec. 26.** NRS 541.110 is hereby amended to read as follows:

30 541.110 1. Each director before entering upon his or her
31 official duties shall take and subscribe to an oath, before a person
32 authorized to administer oaths, that he or she will support the
33 Constitutions of the United States and the State of Nevada and will
34 honestly, faithfully and impartially perform the duties of the office.

35 2. Upon taking oath, the board shall choose one of their
36 number chair of the board and president of the district, and shall
37 elect some suitable person secretary of the board and of the district,
38 who may or may not be a member of the board. The board shall
39 adopt a seal and shall keep audio recordings or transcripts of all
40 meetings and, in a well-bound book, a record of all its proceedings,
41 minutes of all meetings, certificates, contracts, bonds given by
42 employees and all corporate acts, which, except as otherwise
43 provided in NRS 241.035, must be open to inspection of all owners
44 of property in the district, as well as to all other interested persons.
45 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



1 employees, and all other acts of the Board. Except as
2 otherwise provided in NRS 241.035, the minute book, audio
3 recordings, transcripts and records must be open to the
4 inspection of all interested persons, at all reasonable times
5 and places. A copy of the minutes *or draft minutes, as*
6 *applicable*, or audio recordings must be made available to a
7 member of the public upon request at no charge pursuant to
8 NRS 241.035.

9 3. The Treasurer shall keep, in permanent records, strict
10 and accurate accounts of all money received by and disbursed
11 for and on behalf of the Board and the Authority. The
12 Treasurer shall file with the County Clerk, at Authority
13 expense, a corporate fidelity bond in an amount not less than
14 \$25,000, conditioned for the faithful performance of his or
15 her duties.

16 **Sec. 31.** Section 6 of the Airport Authority Act for Carson
17 City, being chapter 844, Statutes of Nevada 1989, as last amended
18 by chapter 98, Statutes of Nevada 2013, at page 334, is hereby
19 amended to read as follows:

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

24 2. The Secretary shall keep audio recordings or
25 transcripts of all meetings of the Board and a record of all of
26 the proceedings of the Board, minutes of all meetings,
27 certificates, contracts, bonds given by employees, and all
28 other acts of the Board. Except as otherwise provided in NRS
29 241.035, the records must be open to the inspection of all
30 interested persons, at a reasonable time and place. A copy of
31 the minutes *or draft minutes, as applicable*, or audio
32 recordings must be made available to a member of the public
33 upon request at no charge pursuant to NRS 241.035.

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

40 **Sec. 32.** Section 7 of the Reno-Tahoe Airport Authority Act,
41 being chapter 474, Statutes of Nevada 1977, as last amended by
42 chapter 98, Statutes of Nevada 2013, at page 334, is hereby
43 amended to read as follows:

44 Sec. 7. 1. The Board shall choose one of its members
45 as Chair and one of its members as Vice Chair, and shall elect



1 a Secretary and a Treasurer, who may be members of the
2 Board. The Secretary and the Treasurer may be one person.
3 The terms of the officers expire on July 1 of each year.

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

- 6 (a) The City of Reno;
- 7 (b) The City of Sparks;
- 8 (c) Washoe County; and
- 9 (d) The County Fair and Recreation Board of Washoe
10 County.

11 3. The Secretary shall keep audio recordings or
12 transcripts of all meetings of the Board and, in a well-bound
13 book, a record of all of the proceedings of the Board, minutes
14 of all meetings, certificates, contracts, bonds given by
15 employees, and all other acts of the Board. Except as
16 otherwise provided in NRS 241.035, the minute book, audio
17 recordings, transcripts and records must be open to the
18 inspection of all interested persons, at all reasonable times
19 and places. A copy of the minutes *or draft minutes, as*
20 *applicable*, or audio recordings must be made available to a
21 member of the public upon request at no charge pursuant to
22 NRS 241.035.

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

30 **Sec. 33.** Section 9.5 of Reno-Tahoe Airport Authority Act,
31 being chapter 369, Statutes of Nevada 2005, as amended by chapter
32 98, Statutes of Nevada 2013, at page 335, is hereby amended to read
33 as follows:

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

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

- 44 (1) Revenue bonds issued by the Authority; or



1 (2) An installment obligation of the Authority in a
2 transaction in which:

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

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

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

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

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

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

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

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

28 (1) The estimated cost of the contract exceeds
29 \$250,000; and

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

32 4. The Board:

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

37 (1) Include:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

45 (I) Both adverse and beneficial effects; and



(II) Both direct and indirect effects.

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

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

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

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

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

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

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

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

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and ~~2~~ 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 ~~4~~ 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.



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

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

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

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

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

21 **Sec. 34.** Section 9 of the Elko Convention and Visitors
22 Authority Act, being chapter 227, Statutes of Nevada 1975, as last
23 amended by chapter 98, Statutes of Nevada 2013, at page 338, is
24 hereby amended to read as follows:

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

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

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

44 4. The Secretary shall keep audio recordings or
45 transcripts of all meetings of the Board and a record of all of



1 the proceedings of the Board, minutes of all meetings,
2 certificates, contracts, bonds given by employees, and all
3 other acts of the Board. Except as otherwise provided in NRS
4 241.035, the minute book, audio recordings, transcripts and
5 records are open to the inspection of all interested persons, at
6 all reasonable times and places. A copy of the minutes *or*
7 *draft minutes, as applicable*, or audio recordings must be
8 made available to a member of the public upon request at no
9 charge pursuant to NRS 241.035.

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

16 6. The Board shall appoint the Elko County Treasurer
17 and Auditor to act as Treasurer and Auditor of the Authority.
18 The Treasurer and Auditor may employ such persons as are
19 necessary to carry out the duties of the Treasurer and Auditor
20 of the Authority. The Board shall determine the salary of each
21 person employed pursuant to this subsection. The salaries and
22 expenses of the employees must be paid by the Board from
23 the money of the Authority.

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

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

37 **Sec. 35.** Section 4 of the Nevada Commission for the
38 Reconstruction of the V & T Railway Act of 1993, being chapter
39 566, Statutes of Nevada 1993, as last amended by chapter 62,
40 Statutes of Nevada 2017, at page 242, is hereby amended to read as
41 follows:

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



1 Storey County, and all other commissioners shall file their
2 oaths of office with the Clerk of Carson City.

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

6 3. The Commission shall elect a Chair, Vice Chair,
7 Secretary and Treasurer from among its members. The
8 Secretary and the Treasurer may be one person. The terms of
9 the officers expire on July 1 of each odd-numbered year.

10 4. The Secretary shall maintain audio recordings or
11 transcripts of all meetings of the Commission and a record of
12 all of the proceedings of the Commission, minutes of all
13 meetings, certificates, contracts and other acts of the
14 Commission. Except as otherwise provided in NRS 241.035,
15 the records must be open to the inspection of all interested
16 persons at a reasonable time and place. A copy of the minutes
17 *or draft minutes, as applicable*, or audio recordings must be
18 made available to a member of the public upon request at no
19 charge pursuant to NRS 241.035.

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

26 **Sec. 36.** Section 27 of the Western Regional Water
27 Commission Act, being chapter 531, Statutes of Nevada 2007, as
28 amended by chapter 98, Statutes of Nevada 2013, at page 340, is
29 hereby amended to read as follows:

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

36 2. The Secretary shall keep audio recordings or
37 transcripts of all meetings of the Board and, in a well-bound
38 book, a record of all the proceedings of the Board, minutes of
39 all meetings, certificates, contracts, bonds given by
40 employees and all other acts of the Board. Except as
41 otherwise provided in NRS 241.035, the minute book, audio
42 recordings, transcripts and records must be open to the
43 inspection of all interested persons, at all reasonable times
44 and places. A copy of the minutes *or draft minutes, as*
45 *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.

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OFFICE OF THE ATTORNEY GENERAL

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PROPOSED AMENDMENT TO AB 70

Statement of Intent: The Proposed revisions to AB 70 are a result of two meetings of the Attorney General’s Open Meeting Law Task Force (Task Force) consisting of representatives of public bodies, and members of the press association and the ACLU, with participation by the Public, which occurred after submission of the pre-filed Bill Draft Request. The Task Force identified multiple improvements to the existing language of the bill including: the deletion of proposed revisions the task force felt were unnecessary and potentially confusing; allowing members of a public body to delegate litigation decisions to its executive director or chair; adding additional clarity to the size of facilities a public body should obtain for its meetings and clarifying that a good faith effort to obtain reasonably large facilities is sufficient to comply with the Open Meeting Law; and allowing the Office of the Attorney General to decline to investigate complaints filed in bad faith or by a complainant whose interests are not significantly impacted by a public body.

The general purpose of the amendment is to remove additions that were unnecessary and to provide new language to continue to strike the appropriate balance of allowing public bodies to efficiently conduct public business with continued transparency and accessibility to the public.

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A.B. 70

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

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AB70

40 teleconference or videoconference, the chair of the public body must ensure that
41 members of the public body and the public can hear or observe each member
42 attending by teleconference or videoconference. **Section 4** of this bill makes a
43 conforming change.
44 **Section 2** authorizes, under certain circumstances, a member of the public who is the
45 subject of an action item on an agenda of a public meeting to attend and participate
46 in the meeting by teleconference or videoconference.
47 Existing law sets forth the circumstances when a public body is required to comply
48 with the Open Meeting Law. Under existing law, a public body may gather to receive
49 information from an attorney employed or retained by the public body regarding
50 certain matters without complying with the Open Meeting Law. (NRS 241.015)
51 **Section 3** of this bill clarifies that any action taken by a public body arising out of
52 any such gathering must be taken in a meeting held in compliance with the Open
53 Meeting Law.
54 **Section 5** of this bill authorizes, under certain circumstances, a public body to gather
55 to receive training regarding its legal obligations without complying with the Open
56 Meeting Law.
57 **Section 5** requires, under certain circumstances, a subcommittee or working group
58 of a public body to comply with the provisions of the Open Meeting Law.
59 The Open Meeting Law requires a public body to make supporting material for a
60 meeting of the public body available to the public upon request. (NRS 241.020)
61 **Section 5** defines the term "supporting material."
62 The Open Meeting Law sets forth the minimum public notice required for meetings
63 of public bodies, including the posting of an agenda. (NRS 241.020) **Section 6** of this
64 bill requires that an agenda include an item on which action may be taken by the
65 public body to approve the agenda before proceeding with any other action item.
66 **Section 6** also requires the chair of the public body to end the meeting if a quorum
67 does not approve the agenda.
68 Existing law requires a public body to keep written minutes of each of its meetings
69 and provides that minutes of a meeting are public records that must be made available
70 for inspection. (NRS 241.035) **Section 7** of this bill requires a public body to have
71 draft minutes of a meeting available for inspection within 30 working days after
72 adjournment of the meeting until the public body approves the minutes. **Sections 13-**
73 **36** of this bill make conforming changes.
74 Existing law requires a public body to have a meeting recorded on audiotape or
75 transcribed by a court reporter. (NRS 241.035) **Section 7** provides that a transcript
76 prepared by a court reporter qualifies as written minutes of the public body. Existing
77 law provides that if a public body takes certain corrective action within 30 days after
78 an alleged violation, the Attorney General may decide not to commence prosecution
79 of the alleged violation. If the public body takes such corrective action, the deadline
80 for the Attorney General to file a lawsuit against the public body to take corrective
81 action is extended by 30 days. (NRS 241.0365) **Section 8** of this bill extends by 60
82 days the deadline by which such law suits may be filed when the public body takes
83 certain corrective action.
84 Existing law authorizes the Attorney General or a member of the public to sue a
85 public body: (1) within 60 days after an alleged violation to have an action by the
86 public body declared void; or (2) within 120 days after an alleged violation to require
87 the public body to comply with the Open Meeting Law. (NRS 241.037)
88 **Section 9** of this bill tolls the statutes of limitations for filing these actions if the
89 Attorney General issues a finding that a violation of the Open Meeting Law occurred
90 before the expiration of the statutes of limitations.

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AB70

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

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

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

- *AB70*

109 graduated for multiple offenses. **Section 12** also creates an exception to these
110 penalties and fines where the member violated the Open Meeting Law based on
111 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:

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

3 **Sec. 2. 1. A member of a public body may attend a meeting**
4 **of the public body by means of teleconference or videoconference.**
5 **If any member of a public body attends a meeting by means of**
6 **teleconference or videoconference, the chair of the public body, or**
7 **his or her designee, must make reasonable efforts to ensure that:**

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

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

13 **2. If there is otherwise a quorum that is understandable**
14 **at the meeting an action taken in violation of this section is not void.**

15 **Sec. 3 1. A public body may delegate authority to the chair or**
16 **the Executive Director, or both, to make any decisions in litigation**
17 **concerning any action or proceeding in which the public body or any**
18 **member or employee of the public body is a party in an official**
19 **capacity or participates or intervenes in an official capacity.**

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

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

28 **Sec. 4.** NRS 241.010 is hereby amended to read as follows:

29 241.010 ~~(H)~~ In enacting this chapter, the Legislature finds
30 and declares that all public bodies exist to aid in the conduct of the

Commented [GDO1]: Change #1

Commented [GDO2]: Change #2

Commented [GDO3]: Not currently defined in NRS 241

Commented [GDO4]: Change #3

Commented [GDO5]: Change #4

AB70

24 people's business. It is the intent of the law that their actions be
25 taken openly and that their deliberations be conducted openly.

26 ~~[2- If any member of a public body is present by means of
27 teleconference or videoconference at any meeting of the public
28 body, the public body shall ensure that all the members of the public
29 body and the members of the public who are present at the meeting
30 can hear or observe and participate in the meeting.]~~

30 **Sec. 5.** NRS 241.015 is hereby amended to read as follows:

31 241.015 As used in this chapter, unless the context otherwise
32 requires:

34 1. "Action" means:

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

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AB70

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

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

9 communication, during a meeting of the public body; or

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

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

18 3. "Meeting":

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

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

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

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

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

35 The series of gatherings was held with the
36 specific intent to avoid the provisions of this
37 chapter.

38 (b) Does not include a gathering or series of gatherings of members
39 of a public body, as described in paragraph (a), at which a quorum is

- ***AB70***

40 actually or collectively present, whether in person or by means of
41 electronic communication:

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

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

52 (3) *To receive training regarding the legal obligations*
53 *of the public body, including, without limitation,*
54 *training conducted by the attorney employed by the*
55 *public entity, the Office of the Attorney General or the*
56 *Commission on Ethics, if at the gathering the members*
57 *do not deliberate toward a decision or action on any*
58 *matter over which the public body has supervision,*
59 *control, jurisdiction or advisory power.*

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

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

- 74 (1) The Constitution of this State;
75 (2) Any statute of this State;
76 (3) A city charter and any city ordinance which has
77 been

78 filed or recorded as required by the applicable law;

- 79 (4) The Nevada Administrative Code;

Commented [GDO6]: Change #5

- *AB70*

- 80 (5) A resolution or other formal designation by such
81 a body created by a statute of this State or an
82 ordinance of a local government;
- 83 (6) An executive order issued by the Governor; or
84 (7) A resolution or an action by the governing body
85 of a political subdivision of this State;
- 86 (b) Any board, commission or committee consisting of at least two
87 persons appointed by:
- 88 (1) The Governor or a public officer who is under the
89 direction of the Governor, if the board, commission or
90 committee has at least two members who are not
91 employees of the Executive Department of the State
92 Government;
- 93 (2) An entity in the Executive Department of the State
94 Government, ~~consisting of members appointed by the~~
95 ~~Governor.~~ if the board, commission or committee
96 otherwise meets the definition of a public body pursuant
97 to this subsection; or
- 98 (3) A public officer who is under the direction of an
99 agency or other entity in the Executive Department of the
100 State Government, ~~consisting of members appointed by~~
101 ~~the Governor.~~ if the board, commission or committee has
102 at least two members who are not employed by the public
103 officer or entity; ~~and~~
- 104 (c) A limited-purpose association that is created for a
105 rural agricultural residential common-interest community as
106 defined in subsection 6 of NRS 116.1201 ~~;~~ *and*
- 107 (d) *A subcommittee or working group consisting of at*
108 *least two persons who are appointed by a public body*
109 *described in paragraph (a), (b) or (c) if:*
- 110 *(1) A majority of the membership of the subcommittee*
111 *or working group are members or staff members of the*
112 *public body that appointed the subcommittee; or*
113 *(2) The subcommittee or working group is authorized*
114 *by the public body or working group to make a*
115 *recommendation to the public body for the public body*
116 *to take any action.*
- 117 5. "Quorum" means a simple majority of the membership
118 of a public body or another proportion established by
119 law.

- *AB70*

120 6. “Supporting material” means material that is provided
 121 by the public body to at least a quorum of the members
 122 of a public body and that the members of the public
 123 body would reasonably rely on to ~~make a~~
 124 ~~decision~~ deliberate or take action on a matter contained
 125 in a published agenda. The term includes, without
 126 limitation, written records, audio recordings, video
 127 recordings, photographs and digital data.

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

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

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

143 (a) Public meetings should be held in facilities that are
 144 reasonably large enough to accommodate anticipated
 145 attendance by members of the public.

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146 (b) If all persons desiring to attend a meeting are not
 147 permitted to attend because of the size of the facility or
 148 facilities, no violation of this chapter may be found if
 149 the public body has made reasonable efforts to
 150 accommodate the anticipated attendance.

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

Commented [GD08]: Change #14 (from 2/14 Meeting)

- 154 (a) The time, place and location of the meeting.
- 155 (b) A list of the locations where the notice has been posted.
- 156 (c) The name and contact information for the person
- 157 designated by the public body from whom a member of
- 158 the public may request the supporting material for the
- 159 meeting described in subsection 6 and a list of the

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AB70

160 locations where the supporting material is available to
161 the public.

162 (d) An agenda consisting of:

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

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

172 ~~(3) An item on which action may be taken~~
173 ~~requiring the approval of the meeting agenda~~
174 ~~before proceeding with any other item on which~~
175 ~~action may be taken. If a quorum does not~~
176 ~~approve the agenda during discussion of the~~
177 ~~item requiring the approval of the meeting~~
178 ~~agenda, the chair must end the meeting.~~

179 (4)(3) Periods devoted to comments by the general
180 public, if any, and discussion of those comments.
181 Comments by the general public must be taken:

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

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

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

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- *AB70*

200 an item upon which action may be taken pursuant to subparagraph
201 (2).

202 ~~[(4)]~~ (5) If any portion of the meeting will be closed to consider the
203 character, alleged misconduct or professional competence of a
204 person, the name of the person whose character, alleged misconduct
205 or professional competence will be considered. ~~[(5)]~~ (6) If, during
206 any portion of the meeting, the public body will consider whether to
207 take administrative action regarding a person, the name of that person.

208 ~~[(6)]~~ (7) Notification that:

209 (I) Items on the agenda may be taken out of
210 order ~~[-] at the discretion of the chair;~~

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

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

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

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

223 3. Minimum public notice is:

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

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

236 (c) Providing a copy of the notice to any person who has
237 requested notice of the meetings of the public body. A request
238 for notice lapses 6 months after it is made. The public body
239 shall inform the requester of this fact by enclosure with,

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AB70

- 240 notation upon or text included within the first notice sent. The
241 notice must be:
242 (1) Delivered to the postal service used by the
243 public body not later than 9 a.m. of the third working
244 day before the meeting for transmittal to the
245 requester by regular mail; or
246 (2) If feasible for the public body and the
247 requester has agreed to receive the public notice by
248 electronic mail, transmitted to the requester by
249 electronic mail sent not later than 9 a.m. of the third
250 working day before the meeting.
- 251 4. For each of its meetings, a public body shall document
252 in writing that the public body complied with the
253 minimum public notice required by paragraph (a) of
254 subsection 3. The documentation must be prepared by
255 every person who posted a copy of the public notice and
256 include, without limitation:
- 257 (a) The date and time when the person posted the copy
258 of the public notice;
- 259 (b) The address of the location where the person posted
260 the copy of the public notice; and
- 261 (c) The name, title and signature of the person who
262 posted the copy of the notice.
- 263 5. If a public body maintains a website on the Internet or its
264 successor, the public body shall post notice of each of its
265 meetings on its website unless the public body is unable
266 to do so because of technical problems relating to the
267 operation or maintenance of its website. Notice posted
268 pursuant to this subsection is supplemental to and is not
269 a substitute for the minimum public notice required
270 pursuant to subsection 3. The inability of a public body
271 to post notice of a meeting pursuant to this subsection as
272 a result of technical problems with its website shall not
273 be deemed to be a violation of the provisions of this
274 chapter.
- 275 6. Upon any request, a public body shall provide, at no
276 charge, at least one copy of:
- 277 (a) An agenda for a public meeting;
- 278 (b) A proposed ordinance or regulation which will be
279 discussed at the public meeting; and

- ***AB70***

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

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

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

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

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

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

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

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

309 ↪ If the requester has agreed to receive the information and
310 material set forth in subsection 6 by electronic mail, the public body
311 shall, if feasible, provide the information and material by electronic
312 mail.

313 8. Unless the supporting material must be posted at an
314 earlier time pursuant to NRS 288.153, the governing
315 body of a county or city whose population is 45,000 or
316 more shall post the supporting material described in
317 paragraph (c) of subsection 6 to its website not later than
318 the time the material is provided to ~~at least a quorum of~~
319 the members of the governing body or, if the supporting
320 material is provided to the members of the governing

Commented [GDO13]: Change #10-Same Change

- *AB70*

body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 6. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

9. A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

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

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

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

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

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

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

- *AB70*

- 361 (b) Those members of the public body who were present,
- 362 whether in person or by means of electronic
- 363 communication, and those who were absent.
- 364 (c) The substance of all matters proposed, discussed or
- 365 decided and, at the request of any member, a record of
- 366 each member's vote on any matter decided by vote.
- 367 (d) The substance of remarks made by any member of the
- 368 general public who addresses the public body if the
- 369 member of the general public requests that the minutes
- 370 reflect those remarks or, if the member of the general
- 371 public has prepared written remarks, a copy of the
- 372 prepared remarks if the member of the general public
- 373 submits a copy for inclusion.
- 374 (e) Any other information which any member of the public
- 375 body requests to be included or reflected in the minutes.

376 **↳** Unless good cause is shown, a public body shall approve the

377 minutes of a meeting within 45 days after the meeting or at the next

378 meeting of the public body, whichever occurs later.

379 2. ~~A transcript of a public body meeting prepared by a~~

380 ~~court reporter who is certified pursuant to chapter 656 of~~

381 ~~NRS qualifies as written minutes of the meeting.~~

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382 3. Minutes of public meetings are public records.

383 Minutes ~~or draft minutes, as applicable,~~ or an audio

384 recording of a meeting made in accordance with subsection

385 ~~[4] 5-4~~ must be made available for inspection by the public

386 within 30 working days after adjournment of the meeting. ~~{A}~~

387 ~~If a public body does not approve the minutes of a public~~

388 ~~meeting within 30 working days after adjournment of the~~

389 ~~meeting, a provisional version of the minutes clearly~~

390 ~~marked "draft" must be made available for inspection by~~

391 ~~the public until the public body approves the minutes of the~~

392 ~~public meeting. The public body must make a~~ A copy of the

393 minutes ~~or draft minutes, as applicable,~~ or audio recording

394 ~~{must be made}~~ **must be made** available to a member of

395 the public upon request at no charge. ~~{the}~~ ~~All~~ ~~The~~ minutes of

396 ~~a meeting of a public body, including, without limitation,~~

397 ~~draft versions of minutes,~~ shall be deemed to have

398 permanent value and must be retained by the public body for

399 at least 5 years. Thereafter, the minutes may be transferred

400 for archival preservation in accordance with NRS 239.080 to

401 239.125, inclusive. Minutes of meetings closed pursuant to:

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AB70

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

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409 (b) Paragraph (b) of subsection 1 of NRS 241.030
410 become public records ~~if and~~ when the public body
411 determines that the matters discussed no longer require
412 confidentiality.

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

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422 ~~4.4~~ 4. All or part of any meeting of a public body may be recorded
423 on audiotape or any other means of sound or video reproduction by a
424 member of the general public if it is a public meeting so long as this
425 in no way interferes with the conduct of the meeting.

426 ~~4.5~~ 5. Except as otherwise provided in subsection ~~7.9~~ 9, a public
427 body shall, for each of its meetings, whether public or closed, record
428 the meeting on audiotape or another means of sound reproduction or
429 cause the meeting to be transcribed by a court reporter who is certified
430 pursuant to chapter 656 of NRS. If a public body makes an audio
431 recording of a meeting or causes a meeting to be transcribed pursuant
432 to this subsection, the audio recording or transcript:

433 (a) Must be retained by the public body for at least ~~1~~
434 ~~year~~ ~~5~~ 3 years after the adjournment of the meeting at which
435 it was recorded or transcribed;

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

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

AB70

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

446 ~~(a) Prohibit~~ *prohibit* a court reporter who is certified
447 pursuant to chapter 656 of NRS from charging a fee to
448 the public body for any services relating to the
449 transcription of a meeting. ~~§ or~~

450 ~~(b) Require a~~

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

455 ~~§ 8.~~ Except as otherwise provided in subsection ~~§ 9,~~ any
456 portion of a public meeting which is closed must also be recorded or
457 transcribed and the recording or transcript must be retained and made
458 available for inspection pursuant to the provisions of subsection ~~§ 3~~
459 relating to records of closed meetings. Any recording or transcript
460 made pursuant to this subsection must be made available to the
461 Attorney General upon request.

462 ~~§ 9.~~ If a public body makes a good faith effort to comply with the
463 provisions of subsections ~~§ 5~~ and ~~§ 8~~ but is prevented
464 from doing so because of factors beyond the public body's reasonable
465 control, including, without limitation, a power outage, a mechanical
466 failure or other unforeseen event, such failure does not constitute a
467 violation of the provisions of this chapter.

468 **Sec. 8.** NRS 241.0365 is hereby amended to read as follows:

469 241.0365 1. Except as otherwise provided in subsection 4, if a public
470 body, after providing the notice described in subsection 2, takes
471 action in conformity with this chapter to correct an alleged violation
472 of this chapter within 30 days after the alleged violation, the Attorney
473 General may decide not to commence prosecution of the alleged
474 violation if the Attorney General determines foregoing prosecution
475 would be in the best interests of the public.

476 2. Except as otherwise provided in subsection 4, before taking
477 any action to correct an alleged violation of this chapter, the public
478 body must include an item on the agenda posted for the meeting at
479 which the public body intends to take the corrective action in
480 conformity with this chapter. The inclusion of an item on the agenda
481 for a meeting of a public body pursuant to this subsection is not an

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AB70

482 admission of wrongdoing for the purposes of civil action, criminal
483 prosecution or injunctive relief.

484 3. For purposes of subsection 1, ~~the~~ any period of limitations
485 set forth in subsection 3 of NRS 241.037 by which the Attorney
486 General may bring suit is tolled for ~~30~~ 60 days.

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

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

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

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

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

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

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

512 3. Except as otherwise provided in NRS 241.0365:

513 (a) Any suit brought against a public body pursuant to subsection
514 1 or 2 to require compliance with the provisions of this chapter must
515 be commenced , *except as otherwise provided in this paragraph,*
516 within 120 days after the action objected to was taken by that public
517 body in violation of this chapter. *If, within 120 days after the action*
518 *objected to was taken by the public body, the Attorney General*
519 *issues findings of fact and conclusions of law that the public body*
520 *violated a provision of this chapter, such a suit may be brought*
521 *against the public body within 120 days after the date that the*
522 *Attorney General issues the findings of fact and conclusions of law.*

- *AB70*

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

532 **Sec. 10.** NRS 241.039 is hereby amended to read as follows:
533 241.039 1. A complaint that alleges a violation of this chapter may
534 be filed with the Office of the Attorney General ***notice of which shall***
535 ***be given to the public body within 14 days.***

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

538 (a) ***Shall, except as provided in subsection c,*** investigate and
539 prosecute any violation of this chapter ~~alleged in a complaint filed~~
540 ~~not later than 120 days after the alleged violation with the Office of~~
541 ~~the Attorney General.~~

542 (b) ***May, at his or her discretion, investigate and prosecute any***
543 ***violation of this chapter alleged in a complaint filed more***
544 ***than within 120 days of discovery of after the alleged violation with***
545 ***the Office of the Attorney General, but in no case may an***
546 ***investigation and prosecution be brought more than 1 year after the***
547 ***violation.***

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548 (c) ***May decline to investigate and prosecute any allegation***
549 ***raised in bad faith by a complainant, or filed by a complainant***
550 ***whose interests are not significantly impacted by the public body.***

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551 (b)

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

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

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

561 6. The following are public records:

562 (a) A complaint filed pursuant to subsection 1.

AB70

- 563 (b) Every finding of fact or conclusion of law made by the Attorney
- 564 General relating to a complaint filed pursuant to subsection 1.
- 565 (c) Any document or information compiled as a result of an
- 566 investigation conducted pursuant to subsection 2 that may be
- 567 requested pursuant to NRS 239.0107 from a governmental entity
- 568 other than the Office of the Attorney General.

569 *7. Upon completion of an investigation conducted pursuant to*
 570 *subsection 2, the Attorney General shall inform the public body that*
 571 *is the subject of the investigation and issue, as applicable: (a) A*
 572 *finding that no violation of this chapter occurred; or (b) A finding*
 573 *that a violation of this chapter occurred, along with findings of fact*
 574 *and conclusions of law that support the finding that a violation of*
 575 *this chapter occurred.*

576 *8. A public body, or where authorized, counsel for the public*
 577 *body, shall submit a response to the Attorney General not later than*
 578 *~~1430~~ days after receipt of any finding that the public body violated*
 579 *this chapter. If the public body does not submit a response to the*
 580 *Attorney General within ~~3014~~ days after receipt of the finding, it*
 581 *shall be deemed that the public body disagrees with the finding of*
 582 *the Attorney General.*

583 **Sec. 11.** NRS 241.0395 is hereby amended to read as follows:
 584 241.0395 1. If the Attorney General makes findings of fact and
 585 conclusions of law that a public body has ~~taken action in violation~~
 586 ~~of~~ *violated* any provision of this chapter, the public body must
 587 include an item on the next agenda posted for a meeting of the public
 588 body which acknowledges the *existence of* findings of fact and
 589 conclusions of law. The opinion of the Attorney General must be
 590 treated as supporting material for the item on the agenda for the
 591 purposes of NRS 241.020.

592 2. The inclusion of an item on the agenda for a meeting of a public
 593 body pursuant to subsection 1 is not an admission of wrongdoing for
 594 the purposes of a civil action, criminal prosecution or injunctive
 595 relief.

596 **Sec. 12.** NRS 241.040 is hereby amended to read as follows:
 597 241.040 1. ~~Each~~ *Except as otherwise provided in subsection 6,*
 598 *each* member of a public body who attends a meeting of that public
 599 body where ~~action is taken in violation of~~ any ~~provision~~ *violation*
 600 of this chapter ~~with~~ *occurs and has* knowledge of ~~and participates~~
 601 *in* the ~~fact that the meeting is in violation thereof,~~ *violation,* is guilty
 602 of a misdemeanor.

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AB70

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

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

609 4. ~~He~~ Except as otherwise provided in subsection 6, in
610 addition to any criminal penalty imposed pursuant to this section,
611 each member of a public body who attends a meeting of that public
612 body where ~~action is taken in violation of~~ any ~~provision~~ violation
613 of this chapter ~~is~~ occurs and who participates in such ~~action the~~
614 ~~meeting violation~~ with knowledge of the violation, is subject to ~~a~~
615 ~~civil penalty~~ an administrative fine in an amount not to exceed: (a)
616 For a first offense, \$500 ~~The Attorney General may recover the~~
617 ~~penalty~~;

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

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

620 5. ~~A member of a public body assessed an administrative fine~~
621 ~~pursuant to this section may contest the fine~~The Attorney General
622 ~~may recover the penalty~~ in a civil action brought ~~in the name of the~~
623 ~~State of Nevada~~ in any court of competent jurisdiction. Such an
624 action must be commenced within ~~1 year~~ 6 months 1 year after the
625 ~~date of the action taken in violation of this chapter.~~ fine is assessed.

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

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

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

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

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

641 2. The System consists of the Judicial Retirement Plan and the
642 provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to
643 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing

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AB70

644 benefits to justices of the Supreme Court, judges of the Court of
645 Appeals or district judges who served either as a justice of the
646 Supreme Court or district judge before November 5, 2002. Each
647 justice of the Supreme Court, judge of the Court of Appeals or district
648 judge who is not a member of the Public Employees' Retirement
649 System is a member of the Judicial Retirement System.

650 3. The official correspondence and records, other than the files
651 of individual members of the System or retired justices or judges, and,
652 except as otherwise provided in NRS 241.035, the minutes, audio
653 recordings, transcripts and books of the System are public records and
654 are available for public inspection. A copy of the minutes ~~or draft~~
655 ~~minutes, as applicable,~~ or audio recordings must be made available
656 to a member of the public upon request at no charge pursuant to NRS
657 241.035.

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

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

665 244A.611 1. The board shall choose one of its members as chair and
666 one of its members as vice chair, and shall elect a secretary and a
667 treasurer, who may be members of the board. The secretary and the
668 treasurer may be one person.

669 2. The secretary shall keep audio recordings or transcripts of all
670 meetings and, in a well-bound book, a record of all of the proceedings
671 of the board, minutes of all meetings, certificates, contracts, bonds
672 given by employees, and all other acts of the board. Except as
673 otherwise provided in NRS 241.035, the minute book, audio
674 recordings, transcripts and records must be open to the inspection of
675 all owners of real property in the county as well as to all other
676 interested persons, at all reasonable times and places. A copy of the
677 minutes ~~or draft minutes, as applicable,~~ or audio recordings must be
678 made available to a member of the public upon request at no charge
679 pursuant to NRS 241.035.

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

- *AB70*

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

686 **Sec. 15.** NRS 266.250 is hereby amended to read as follows:
687 266.250 1. The deliberations, sessions and proceedings of the city
688 council must be public.

689 2. The city council shall keep written minutes and audio
690 recordings or transcripts of its own proceedings as required pursuant
691 to NRS 241.035. The yeas and nays must be taken upon the passage
692 of all ordinances, and all propositions to create any liability against
693 the city, or to grant, deny, increase, decrease, abolish or revoke
694 licenses, and in all other cases at the request of any member of the
695 city council or of the mayor, which yeas and nays must be entered in
696 the minutes of its proceedings. A copy of the minutes ~~or draft~~
697 ~~minutes, as applicable~~ or audio recordings must be made available
698 to a member of the public upon request at no charge pursuant to NRS
699 241.035.

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

703 **Sec. 16.** NRS 278.290 is hereby amended to read as follows:
704 278.290 1. Meetings of the board must be held at the call of the chair
705 and at such other times as the board may determine. The chair, or in
706 his or her absence the acting chair, may administer oaths and compel
707 the attendance of witnesses. All meetings of the board must be open
708 to the public.

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

712 3. The board shall keep minutes of its proceedings, showing the
713 vote of each member upon each question, or, if absent or failing to
714 vote, indicating such fact, and audio recordings or transcripts of its
715 proceedings, and shall keep records of its examinations and other
716 official actions, all of which must be filed immediately in the office
717 of the board and, except as otherwise provided in NRS 241.035, are
718 public records. A copy of the minutes ~~or draft minutes, as applicable~~,
719 or audio recordings must be made available to a member of the public
720 upon request at no charge pursuant to NRS 241.035.

Commented [GDO33]: Change #12 (2/14 Meeting)

Sec. 17. NRS
721 284.055 is hereby amended to read as follows:

722 284.055 1. The members of the Commission may meet at the times
723 and places specified by the call of the Chair or a majority of the

- *AB70*

724 Commission, but a meeting of the Commission must be held regularly
725 at least once every 3 months.

726 2. Five members of the Commission constitute a quorum. A majority
727 vote of the five members of the Commission is required for any
728 official action taken by the Commission, including, without
729 limitation:

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

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

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

740 4. The Commission shall keep minutes and audio recordings or
741 transcripts of the transactions of each meeting. Except as otherwise
742 provided in NRS 241.035, the minutes, audio recordings and
743 transcripts are public records and must be filed with the Division. A
744 copy of the minutes ~~or draft minutes, as applicable,~~ or audio
745 recordings must be made available to a member of the public upon
746 request at no charge pursuant to NRS 241.035.

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747 **Sec. 18.** NRS 286.110 is hereby amended to read as follows:

748 286.110 1. A system of retirement providing benefits for the
749 retirement, disability or death of employees of public employers and
750 funded on an actuarial reserve basis is hereby established and must be
751 known as the Public Employees' Retirement System. The System is
752 a public agency supported by administrative fees transferred from the
753 retirement funds. The Executive and Legislative Departments of the
754 State Government shall regularly review the System.

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

761 3. The official correspondence and records, other than the files
762 of individual members or retired employees, and, except as otherwise
763 provided in NRS 241.035, the minutes, audio recordings, transcripts
764 and books of the System are public records and are available for

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765 public inspection. A copy of the minutes ~~or draft minutes, as~~
766 ~~applicable,~~ or audio recordings must be made available to a member
767 of the public upon request at no charge pursuant to NRS 241.035.

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

770 **Sec. 19.** NRS 287.0438 is hereby amended to read as follows:
771 287.0438 Except for the files of individual members and former
772 members, the correspondence, files, minutes, audio recordings,
773 transcripts and books of the Program are, except as otherwise
774 provided in NRS 241.035, public records. A copy of the minutes ~~or~~
775 ~~draft minutes, as applicable,~~ or audio recordings must be made
776 available to a member of the public upon request at no charge
777 pursuant to NRS 241.035.

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778 **Sec. 20.** NRS 318.085 is hereby amended to read as follows:
779 318.085 Except as otherwise provided in NRS 318.0953 and
780 318.09533:

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

786 2. The board shall adopt a seal.
787 3. The secretary shall keep audio recordings or transcripts of all
788 meetings and, in a well-bound book, a record of all of the board's
789 proceedings, minutes of all meetings, any certificates, contracts,
790 bonds given by employees and all corporate acts. Except as
791 otherwise provided in NRS 241.035, the book, audio recordings,
792 transcripts and records must be open to inspection of all owners
793 of real property in the district as well as to all other interested
794 persons. A copy of the minutes ~~or draft minutes, as applicable,~~
795 or audio recordings must be made available to a member of the
796 public upon request at no charge pursuant to NRS 241.035.

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797 4. The treasurer shall keep strict and accurate accounts of all money
798 received by and disbursed for and on behalf of the district in
799 permanent records. The treasurer shall file with the county clerk,
800 at the expense of the district, a corporate surety bond in an
801 amount not more than \$50,000, the form and exact amount
802 thereof to be approved and determined, respectively, by the board
803 of county commissioners, conditioned for the faithful
804 performance of the duties of his or her office. Any other officer
805 or trustee who actually receives or disburses money of the district

AB70

806 shall furnish a bond as provided in this subsection. The board of
807 county commissioners may, upon good cause shown, increase or
808 decrease the amount of that bond.

809 5. Except as otherwise provided in this subsection, each member of
810 a board of trustees of a district organized or reorganized pursuant
811 to this chapter may receive as compensation for his or her service
812 not more than \$6,000 per year. Each member of a board of
813 trustees of a district that is organized or reorganized pursuant to
814 this chapter and which is granted the powers set forth in NRS
815 318.140, 318.142 and 318.144 may receive as compensation for
816 his or her service not more than \$9,000 per year. The
817 compensation of the members of a board is payable monthly, if
818 the budget is adequate and a majority of the members of the board
819 vote in favor of such compensation, but no member of the board
820 may receive any other compensation for his or her service to the
821 district as an employee or otherwise. Each member of the board
822 must receive the same amount of compensation. If a majority of
823 the members of the board vote in favor of an increase in the
824 compensation of the trustees, the increase may not become
825 effective until January 1 of the calendar year immediately
826 following the next biennial election of the district as set forth in
827 NRS 318.095.

828 **Sec. 21.** NRS 318A.190 is hereby amended to read as follows:
829 318A.190 1. The board shall choose one of its members as chair of
830 the board and president of the district, and shall elect a secretary and
831 a treasurer of the board and of the district, who may or may not be
832 members of the board. The secretary and the treasurer may be one
833 person.

834 2. The board shall adopt a seal.

835 3. The secretary shall keep a record of all of the board's
836 proceedings, minutes of all meetings, any certificates, contracts,
837 bonds given by employees and all corporate acts. Except as
838 otherwise provided in NRS 241.035, the records must be open to
839 inspection of all owners of real property in the district as well as
840 to all other interested persons. A copy of the ~~minutes or draft~~
841 ~~minutes, as applicable,~~ or audio recordings, if any, must be made
842 available to a member of the public upon request at no charge
843 pursuant to NRS 241.035.

844 4. The treasurer shall keep strict and accurate accounts of all money
845 received by and disbursed for and on behalf of the district in
846 permanent records. The treasurer shall file with the clerk, at the

Commented [GDO38]: Change #12 (2/14 Meeting)

AB70

847 expense of the district, a corporate surety bond in an amount not
848 more than \$50,000, the form and exact amount thereof to be
849 approved and determined, respectively, by the governing body,
850 conditioned for the faithful performance of the duties of his or
851 her office. Any other officer or trustee who actually receives or
852 disburses money of the district shall furnish a bond as provided
853 in this subsection. The governing body may, upon good cause
854 shown, increase or decrease the amount of that bond.

855 5. Except as otherwise provided in this subsection, each member of
856 a board of trustees of a district organized pursuant to this chapter
857 may receive as compensation for his or her service not more than
858 \$6,000 per year. The compensation of the members of a board is
859 payable monthly, if the budget is adequate and a majority of the
860 members of the board vote in favor of such compensation, but no
861 member of the board may receive any other compensation for his
862 or her service to the district as an employee or otherwise. Each
863 member of the board must receive the same amount of
864 compensation. If a majority of the members of the board vote in
865 favor of an increase in the compensation of the trustees, the
866 increase may not become effective until January 1 of the calendar
867 year immediately following the next biennial election of the
868 district as set forth in NRS 318A.210.

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

870 361.365 1. Each county board of equalization shall, at the expense
871 of the county, cause complete minutes and an audio recording or
872 transcript to be taken at each hearing. In addition to the requirements
873 of NRS 241.035, these minutes must include the title of all exhibits,
874 papers, reports and other documentary evidence submitted to the
875 county board of equalization by the complainant. The clerk of the
876 county board of equalization shall forward the minutes and audio
877 recordings or transcripts to the Secretary of the State Board of
878 Equalization. A copy of the minutes ~~or draft minutes, as applicable,~~
879 or audio recordings must be made available to a member of the public
880 upon request at no charge pursuant to NRS 241.035.

881 2. If a transcript of any hearing held before the county board of
882 equalization is requested by the complainant, he or she shall furnish
883 the reporter, pay for the transcript and deliver a copy of the transcript
884 to the clerk of the county board of equalization and the Secretary of
885 the State Board of Equalization upon filing an appeal. **Sec. 23.** NRS
886 384.070 is hereby amended to read as follows:

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887 384.070 1. The Commission may establish and maintain an office
888 in Virginia City, Storey County, Nevada, in which, except as
889 otherwise provided in NRS 241.035, there must be at all times open
890 to public inspection a complete record of applications for certificates
891 of appropriateness and their disposition, minutes and audio recordings
892 or transcripts of the Commission's meetings, and any regulations
893 adopted by the Commission. A copy of the minutes ~~or draft minutes,~~
894 ~~as applicable,~~ or audio recordings must be made available to a
895 member of the public upon request at no charge pursuant to NRS
896 241.035.

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

905 **Sec. 24.** NRS 422.2369 is hereby amended to read as follows:
906 422.2369 1. Before adopting, amending or repealing any regulation
907 for the administration of a program of public assistance or any other
908 program for which the Division is responsible, the Administrator
909 must give at least 30 days' notice of the intended action.

910 2. The notice of intent to act upon a regulation must: (a) Include a
911 statement of the need for and purpose of the proposed regulation, and
912 either the terms or substance of the proposed regulation or a
913 description of the subjects and issues involved, and of the time when,
914 the place where and the manner in which interested persons may
915 present their views thereon. (b) Include a statement identifying the
916 entities that may be financially affected by the proposed regulation
917 and the potential financial impact, if any, upon local government.

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

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

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

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AB70

927 4. The Administrator shall keep, retain and make available for
928 public inspection written minutes and an audio recording or transcript
929 of each public hearing held pursuant to this section in the manner
930 provided in NRS 241.035. A copy of the minutes ~~or draft minutes,~~
931 ~~as applicable,~~ or audio recordings must be made available to a
932 member of the public upon request at no charge pursuant to NRS
933 241.035.

Commented [GDO41]: Change #12 (2/14 Meeting)

934 5. An objection to any regulation on the ground of
935 noncompliance with the procedural requirements of this section may
936 not be made more than 2 years after its effective date.

937 **Sec. 25.** NRS 422A.190 is hereby amended to read as follows:
938 422A.190 1. Before adopting, amending or repealing any regulation
939 for the administration of a program of public assistance or any other
940 program for which the Division is responsible, the Administrator
941 must give at least 30 days' notice of the intended action.

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

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

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

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

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

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

960 4. The Administrator shall keep, retain and make available for
961 public inspection written minutes and an audio recording or transcript
962 of each public hearing held pursuant to this section in the manner
963 provided in NRS 241.035. A copy of the ~~minutes or draft minutes,~~
964 ~~as applicable,~~ or audio recordings must be made available to a
965 member of the public upon request at no charge pursuant to NRS
966 241.035.

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AB70

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

970 **Sec. 26.** NRS 541.110 is hereby amended to read as follows:
971 541.110 1. Each director before entering upon his or her official
972 duties shall take and subscribe to an oath, before a person authorized
973 to administer oaths, that he or she will support the Constitutions of
974 the United States and the State of Nevada and will honestly, faithfully
975 and impartially perform the duties of the office. 2. Upon taking oath,
976 the board shall choose one of their number chair of the board and
977 president of the district, and shall elect some suitable person secretary
978 of the board and of the district, who may or may not be a member of
979 the board. The board shall adopt a seal and shall keep audio
980 recordings or transcripts of all meetings and, in a well-bound book, a
981 record of all its proceedings, minutes of all meetings, certificates,
982 contracts, bonds given by employees and all corporate acts, which,
983 except as otherwise provided in NRS 241.035, must be open to
984 inspection of all owners of property in the district, as well as to all
985 other interested persons. A copy of the minutes ~~or draft minutes, as
986 applicable,~~ or audio recordings must be made available to a member
987 of the public upon request at no charge pursuant to NRS 241.035.

Commented [GDO43]: Change #12 (2/14 Meeting)

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

993 **Sec. 27.** NRS 543.330 is hereby amended to read as follows:
994 543.330 1. The board shall meet in July of each year to organize and
995 choose one of its members as chair of the board and president of the
996 district, and elect a secretary of the board and of the district, who may
997 or may not be a member of the board.

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

1000 3. The secretary shall keep audio recordings or transcripts of all
1001 meetings and, in a well-bound book, a record of all of the board's
1002 proceedings, minutes of all meetings, certificates, contracts, bonds
1003 given by employees, and all corporate acts, which, except as
1004 otherwise provided in NRS 241.035, must be open to inspection by
1005 all owners of real property in the district as well as other interested
1006 persons. A copy of the minutes ~~or draft minutes, as applicable,~~ or

Commented [GDO44]: Change #12 (2/14 Meeting)

AB70

1007 audio recordings must be made available to a member of the public
1008 upon request at no charge pursuant to NRS 241.035.

1009 4. The treasurer shall keep strict and accurate accounts of all
1010 money received by and disbursed for and on behalf of the district in
1011 permanent records.

1012 5. No member of the board may receive compensation for the
1013 member's services, but members may be reimbursed for their
1014 necessary expenses in attending district meetings and for necessary
1015 expenses incurred in traveling within and without the State when
1016 required to carry out the affairs of the district.

1017 **Sec. 28.** NRS 561.095 is hereby amended to read as follows:

1018 561.095 1. The members of the Board may meet at such times and
1019 at such places as may be specified by the call of the Chair or a
1020 majority of the Board, and a meeting of the Board may be held
1021 regularly at least once every 3 months. In case of an emergency,
1022 special meetings may be called by the Chair or by the Director.

1023 2. Six members of the Board constitute a quorum. A quorum
1024 may exercise all the authority conferred on the Board.

1025 3. Minutes and audio recordings or transcripts of each meeting,
1026 regular or special, must be filed with the Department and, except as
1027 otherwise provided in NRS 241.035, are public records. A copy of
1028 the minutes ~~or draft minutes, as applicable,~~ or audio recordings must
1029 be made available to a member of the public upon request at no charge
1030 pursuant to NRS 241.035.

Commented [GDO45]: Change #12 (2/14 Meeting)

1031 **Sec. 29.** NRS 590.505 is hereby amended to read as follows:
1032 590.505 1. The Board may adopt a seal for its own use which must
1033 have imprinted thereon the words "Board for the Regulation of
1034 Liquefied Petroleum Gas." The care and custody of the seal is the
1035 responsibility of the Secretary-Treasurer of the Board.

1036 2. The Board may appoint an Executive Secretary and may
1037 employ or, pursuant to NRS 333.700, contract with such other
1038 technical, clerical or investigative personnel as it deems necessary.
1039 The Board shall fix the compensation of the Executive Secretary and
1040 all other employees and independent contractors. Such compensation
1041 must be paid out of the money of the Board. The Board may require
1042 the Executive Secretary and any other employees and independent
1043 contractors to give a bond to the Board for the faithful performance
1044 of their duties, the premiums on the bond being paid out of the money
1045 of the Board.

1046 3. In carrying out the provisions of NRS 590.465 to 590.645,
1047 inclusive, and holding its regular or special meetings, the Board: (a)

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AB70

1048 Shall adopt written policies setting forth procedures and methods of
1049 operation for the Board.

1050 (b) May adopt such regulations as it deems necessary.

1051 4. The Board shall keep accurate records, minutes and audio
1052 recordings or transcripts of all meetings and, except as otherwise
1053 provided in NRS 241.035, the records, minutes, audio recordings and
1054 transcripts so kept must be open to public inspection at all reasonable
1055 times. A copy of the minutes ~~or draft minutes, as applicable,~~ or audio
1056 recordings must be made available to a member of the public upon
1057 request at no charge pursuant to NRS 241.035. The Board shall also
1058 keep a record of all applications for licenses and licenses issued by it.
1059 The record of applications and licenses is a public record.

Commented [GDO46]: Change #12 (2/14 Meeting)

1060 **Sec. 30.** Section 7 of the Airport Authority Act for Battle Mountain,
1061 being chapter 458, Statutes of Nevada 1983, as last amended by
1062 chapter 98, Statutes of Nevada 2013, at page 334, is hereby amended
1063 to read as follows:

1064 Sec. 7. 1. The Board shall elect a Chair, Vice Chair, Secretary
1065 and Treasurer, who must be members of the Board. The
1066 Secretary and the Treasurer may be one person. The terms of
1067 the officers expire on the date their successors are elected and
1068 qualified in the general election.

1069 2. The Secretary shall keep audio recordings or
1070 transcripts of all meetings of the Board and, in a well-bound
1071 book, a record of all of the proceedings of the Board, minutes
1072 of all meetings, certificates, contracts, bonds given by
1073 employees, and all other acts of the Board. Except as otherwise
1074 provided in NRS 241.035, the minute book, audio recordings,
1075 transcripts and records must be open to the inspection of all
1076 interested persons, at all reasonable times and places. A copy
1077 of the minutes ~~or draft minutes, as applicable,~~ or audio
1078 recordings must be made available to a member of the public
1079 upon request at no charge pursuant to NRS 241.035.

Commented [GDO47]: Change #12 (2/14 Meeting)

1080 3. The Treasurer shall keep, in permanent records, strict
1081 and accurate accounts of all money received by and disbursed
1082 for and on behalf of the Board and the Authority. The Treasurer
1083 shall file with the County Clerk, at Authority expense, a
1084 corporate fidelity bond in an amount not less than \$25,000,
1085 conditioned for the faithful performance of his or her duties.

1086 **Sec. 31.** Section 6 of the Airport Authority Act for Carson City,
1087 being chapter 844, Statutes of Nevada 1989, as last amended by

- *AB70*

1088 chapter 98, Statutes of Nevada 2013, at page 334, is hereby amended
1089 to read as follows:

1090 Sec. 6. 1. The Board shall elect a Chair, Vice Chair, Secretary
1091 and Treasurer from its members. The Secretary and the
1092 Treasurer may be one person. The terms of the officers expire
1093 on July 1 of each odd-numbered year.

1094 2. The Secretary shall keep audio recordings or
1095 transcripts of all meetings of the Board and a record of all of
1096 the proceedings of the Board, minutes of all meetings,
1097 certificates, contracts, bonds given by employees, and all other
1098 acts of the Board. Except as otherwise provided in NRS
1099 241.035, the records must be open to the inspection of all
1100 interested persons, at a reasonable time and place. A copy of
1101 the minutes ~~or draft minutes, as applicable~~ or audio
1102 recordings must be made available to a member of the public
1103 upon request at no charge pursuant to NRS 241.035.

Commented [GDO48]: Change #12 (2/14 Meeting)

1104 3. The Treasurer shall keep an accurate account of all
1105 money received by and disbursed on behalf of the Board and
1106 the Authority. The Treasurer shall file with the Clerk of Carson
1107 City, at the expense of the Authority, a fidelity bond in an
1108 amount not less than \$10,000, conditioned for the faithful
1109 performance of his or her duties.

1110 **Sec. 32.** Section 7 of the Reno-Tahoe Airport Authority Act, being
1111 chapter 474, Statutes of Nevada 1977, as last amended by chapter 98,
1112 Statutes of Nevada 2013, at page 334, is hereby amended to read as
1113 follows:

1114 Sec. 7. 1. The Board shall choose one of its members as Chair
1115 and one of its members as Vice Chair, and shall elect a
1116 Secretary and a Treasurer, who may be members of the Board.
1117 The Secretary and the Treasurer may be one person. The terms
1118 of the officers expire on July 1 of each year.

1119 2. Chairs must be selected from trustees appointed by
1120 the participating local governments in the following order:

- 1121 (a) The City of Reno;
1122 (b) The City of Sparks;
1123 (c) Washoe County; and
1124 (d) The County Fair and Recreation Board of Washoe County.

1125 3. The Secretary shall keep audio recordings or
1126 transcripts of all meetings of the Board and, in a well-bound
1127 book, a record of all of the proceedings of the Board, minutes

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AB70

1128 of all meetings, certificates, contracts, bonds given by
1129 employees, and all other acts of the Board. Except as otherwise
1130 provided in NRS 241.035, the minute book, audio recordings,
1131 transcripts and records must be open to the inspection of all
1132 interested persons, at all reasonable times and places. A copy
1133 of the minutes ~~or draft minutes, as applicable,~~ or audio
1134 recordings must be made available to a member of the public
1135 upon request at no charge pursuant to NRS 241.035.

Commented [GDO49]: Change #12 (2/14 Meeting)

1136 4. The Treasurer shall keep, in permanent records, strict
1137 and accurate accounts of all money received by and disbursed
1138 for and on behalf of the Board and the Authority. The Treasurer
1139 shall file with the County Clerk, at Authority expense, a
1140 corporate fidelity bond in an amount not less than \$25,000,
1141 conditioned for the faithful performance of his or her duties.

1142 **Sec. 33.** Section 9.5 of Reno-Tahoe Airport Authority Act, being
1143 chapter 369, Statutes of Nevada 2005, as amended by chapter 98,
1144 Statutes of Nevada 2013, at page 335, is hereby amended to read as
1145 follows:

1146 Sec. 9.5. 1. Except as otherwise determined by the Board or
1147 provided in subsection 2, the provisions of any law requiring
1148 public bidding or otherwise imposing requirements on any
1149 public contract, project, acquisition, works or improvements,
1150 including, without limitation, the provisions of chapters 332,
1151 338 and 339 of NRS, do not apply to any contract entered into
1152 by the Board if the Board: (a) Complies with the provisions of
1153 subsection 3; and (b) Finances the contract, project, project,
1154 acquisition, works or improvement by means of:

- 1155 (1) Revenue bonds issued by the Authority; or
- 1156 (2) An installment obligation of the Authority in a
1157 transaction in which:

1158 (I) The Authority acquires real or personal property and
1159 another person acquires or retains a security interest in that or
1160 other property; and

1161 (II) The obligation by its terms is extinguished by failure
1162 of the Board to appropriate money for the ensuing fiscal year
1163 for payment of the amounts then due.

1164 2. A contract entered into by the Board pursuant to this section
1165 must:

- 1166 (a) Contain a provision stating that the requirements of
1167 NRS 338.010 to 338.090, inclusive, apply to any construction
1168 work performed pursuant to the contract; and

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- 1169 (b) If the contract is with a design professional who is
1170 not a member of a design-build team, comply with the
1171 provisions of NRS 338.155. As used in this paragraph, "design
1172 professional" has the meaning ascribed to it in subsection 7 of
1173 NRS 338.010.
- 1174 3. For contracts entered into pursuant to this section that are
1175 exempt from the provisions of chapters 332, 338 and 339 of
1176 NRS pursuant to subsection 1, the Board shall adopt
1177 regulations pursuant to subsection 4 which establish:
- 1178 (a) One or more competitive procurement processes for
1179 letting such a contract; and
- 1180 (b) A method by which a bid on such a contract will be
1181 adjusted to give a 5 percent preference to a contractor who
1182 would qualify for a preference pursuant to NRS 338.147, if:
- 1183 (1) The estimated cost of the contract exceeds \$250,000;
1184 and
- 1185 (2) Price is a factor in determining the successful bid on
1186 the contract.
- 1187 4. The Board:
- 1188 (a) Shall, before adopting, amending or repealing a
1189 permanent or temporary regulation pursuant to subsection 3,
1190 give at least 30 days' notice of its intended action. The notice
1191 must:
- 1192 (1) Include:
- 1193 (I) A statement of the need for and purpose of the proposed
1194 regulation.
- 1195 (II) Either the terms or substance of the proposed regulation or
1196 a description of the subjects and issues involved.
- 1197 (III) The estimated cost to
1198 the Board for enforcement of the proposed
1199 regulation.
- 1200 (IV) The time when, the place where and the manner in
1201 which interested persons may present their views regarding the
1202 proposed regulation.
- 1203 (V) A statement indicating whether the regulation
1204 establishes a new fee or increases an existing fee.
- 1205 (2) State each address at which the text of the proposed
1206 regulation may be inspected and copied.

- ***AB70***

- 1207 (3) Be mailed to all persons who have requested in writing that
1208 they be placed upon a mailing list, which must be kept by
1209 the Authority for that purpose.
- 1210 (b) May adopt, if it has adopted a temporary regulation
1211 after notice and the opportunity for a hearing as provided in
1212 this subsection, after providing a second notice and the
1213 opportunity for a hearing, a permanent regulation.
- 1214 (c) Shall, in addition to distributing the notice to each
1215 recipient of the Board's regulations, solicit comment generally
1216 from the public and from businesses to be affected by the
1217 proposed regulation.
- 1218 (d) Shall, before conducting a workshop pursuant to
1219 paragraph (g), determine whether the proposed regulation is
1220 likely to impose a direct and significant economic burden upon
1221 a small business or directly restrict the formation, operation or
1222 expansion of a small business. If the Board determines that
1223 such an impact is likely to occur, the Board shall:
- 1224 (1) Insofar as practicable, consult with owners and officers of
1225 small businesses that are likely to be affected by the
1226 proposed regulation.
- 1227 (2) Consider methods to reduce the impact of the proposed
1228 regulation on small businesses.
- 1229 (3) Prepare a small business impact statement and make
1230 copies of the statement available to the public at the
1231 workshop conducted pursuant to paragraph (g) and the
1232 public hearing held pursuant to paragraph (h).
- 1233 (e) Shall ensure that a small business impact statement
1234 prepared pursuant to subparagraph (3) of paragraph (d) sets
1235 forth the following information:
- 1236 (1) A description of the manner in which comment was
1237 solicited from affected small businesses, a summary of
1238 their response and an explanation of the manner in which
1239 other interested persons may obtain a copy of the
1240 summary. (2) The estimated economic effect of the
1241 proposed regulation on the small businesses which it is to
1242 regulate, including, without limitation:
- 1243 (I) Both adverse and beneficial effects; and
1244 (II) Both direct and indirect effects.
- 1245 (3) A description of the methods that the Board
1246 considered to reduce the impact of the proposed regulation on

- ***AB70***

1247 small businesses and a statement regarding whether the Board
1248 actually used any of those methods.
1249 (4) The estimated cost to the Board for enforcement of
1250 the proposed regulation.
1251 (5) If the proposed regulation provides a new fee or
1252 increases an existing fee, the total annual amount the Board
1253 expects to collect and the manner in which the money will be
1254 used.
1255 (f) Shall afford a reasonable opportunity for all
1256 interested persons to submit data, views or arguments upon the
1257 proposed regulation, orally or in writing.
1258 (g) Shall, before holding a public hearing pursuant to
1259 paragraph (h), conduct at least one workshop to solicit
1260 comments from interested persons on the proposed regulation.
1261 Not less than 15 days before the workshop, the Board shall
1262 provide notice of the time and place set for the workshop:
1263 (1) In writing to each person who has requested to be placed
1264 on a mailing list; and
1265 (2) In any other manner reasonably calculated to provide such
1266 notice to the general public and any business that may be
1267 affected by a proposed regulation which addresses the
1268 general topics to be considered at the workshop. (h) Shall
1269 set a time and place for an oral public hearing, but if no
1270 one appears who will be directly affected by the proposed
1271 regulation and requests an oral hearing, the Board may
1272 proceed immediately to act upon any written submissions.
1273 The Board shall consider fully all written and oral
1274 submissions respecting the proposed regulation.
1275 (i) Shall keep, retain and make available for public
1276 inspection written minutes of each public hearing held
1277 pursuant to paragraph (h) in the manner provided in
1278 subsections 1 and ~~2~~ 3 of NRS 241.035. A copy of the minutes
1279 ~~or draft minutes, as applicable~~ must be made available to a
1280 member of the public upon request at no charge pursuant to
1281 NRS 241.035.
1282 (j) May record each public hearing held pursuant to
1283 paragraph (h) and make those recordings available for public
1284 inspection in the manner provided in subsection ~~4~~ 5 of NRS
1285 241.035. A copy of the audio recordings must be made
1286 available to a member of the public upon request at no charge
1287 pursuant to NRS 241.035.

Commented [GDO50]: Change #12 (2/14 Meeting)

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1288 (k) Shall ensure that a small business which is aggrieved
1289 by a regulation adopted pursuant to this subsection may object
1290 to all or a part of the regulation by filing a petition with the
1291 Board within 90 days after the date on which the regulation
1292 was adopted. Such petition may be based on the following:

1293 (1) The Board failed to prepare a small business impact
1294 statement as required pursuant to subparagraph (3) of
1295 paragraph (d); or

1296 (2) The small business impact statement prepared by the
1297 Board did not consider or significantly underestimated the
1298 economic effect of the regulation on small businesses. After
1299 receiving a petition pursuant to this paragraph, the
1300 Board shall determine whether the petition has merit. If the
1301 Board determines that the petition has merit, the Board may,
1302 pursuant to this subsection, take action to amend the regulation
1303 to which the small business objected.

1304 5. The determinations made by the Board pursuant to this
1305 section are conclusive unless it is shown that the Board acted
1306 with fraud or a gross abuse of discretion.

1307 **Sec. 34.** Section 9 of the Elko Convention and Visitors Authority
1308 Act, being chapter 227, Statutes of Nevada 1975, as last amended by
1309 chapter 98, Statutes of Nevada 2013, at page 338, is hereby amended
1310 to read as follows:

1311 Sec. 9. 1. The Board shall adopt a seal, establish a principal
1312 place of business and adopt, and thereafter from time to time
1313 amend, if necessary, appropriate rules and regulations not
1314 inconsistent with this act for carrying on the business and
1315 affairs of the Board and of the Authority. Each member shall,
1316 upon election or acceptance of his or her appointment, file with
1317 the Clerk of Elko County his or her oath of office.

1318 2. No member may receive any compensation as an
1319 employee of the Board or otherwise, and a member of the
1320 Board shall not be interested in any contract or transaction with
1321 the Board except in his or her official representative capacity.

1322 3. At the first meeting of the Board following each
1323 general authority election, the Board shall choose one of its
1324 members as Chair and one of its members as Vice Chair, and
1325 shall appoint or hire a Secretary and a Treasurer, who must not
1326 be members of the Board. The Secretary and Treasurer may
1327 not be one person.

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AB70

1328 4. The Secretary shall keep audio recordings or
 1329 transcripts of all meetings of the Board and a record of all of
 1330 the proceedings of the Board, minutes of all meetings,
 1331 certificates, contracts, bonds given by employees, and all other
 1332 acts of the Board. Except as otherwise provided in NRS
 1333 241.035, the minute book, audio recordings, transcripts and
 1334 records are open to the inspection of all interested persons, at
 1335 all reasonable times and places. A copy of the minutes ~~or draft~~
 1336 ~~minutes, as applicable,~~ or audio recordings must be made
 1337 available to a member of the public upon request at no charge
 1338 pursuant to NRS 241.035.

Commented [GDO51]: Change #12 (2/14 Meeting)

1339 5. The Treasurer shall keep, in permanent records, strict
 1340 and accurate accounts of all money received by and disbursed
 1341 for and on behalf of the Board. The Treasurer shall file with
 1342 the County Clerk, at the Authority's expense, a corporate
 1343 fidelity bond in an amount not less than \$5,000, conditioned on
 1344 the faithful performance of the duties of the Treasurer.

1345 6. The Board shall appoint the Elko County Treasurer
 1346 and Auditor to act as Treasurer and Auditor of the Authority.
 1347 The Treasurer and Auditor may employ such persons as are
 1348 necessary to carry out the duties of the Treasurer and Auditor
 1349 of the Authority. The Board shall determine the salary of each
 1350 person employed pursuant to this subsection. The salaries and
 1351 expenses of the employees must be paid by the Board from the
 1352 money of the Authority.

1353 7. The Board shall meet regularly at a time and in a
 1354 place to be designated by it. Special meetings may be held as
 1355 often as the needs of the Board require, on notice to each Board
 1356 member.

1357 8. The Board may require from an officer or employee
 1358 of the Authority, except a member of the Board, sufficient
 1359 security for the faithful and honest performance of his or her
 1360 duties. A blanket fidelity bond or blanket position bond, or
 1361 other type of bond suitable for public employees or officers,
 1362 may be furnished at the expense of the Authority for an officer
 1363 or employee of the Authority, in an amount set by the Board
 1364 and conditioned on the faithful and honest performance of his
 1365 or her duties.

1366 **Sec. 35.** Section 4 of the Nevada Commission for the Reconstruction
 1367 of the V & T Railway Act of 1993, being chapter 566, Statutes of

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1368 Nevada 1993, as last amended by chapter 62, Statutes of Nevada
1369 2017, at page 242, is hereby amended to read as follows:

1370 Sec. 4. 1. The commissioner appointed pursuant to paragraph
1371 (b) or (d) of subsection 1 of section 3 of this act shall file his
1372 or her oath of office with the county clerk of Storey County,
1373 and all other commissioners shall file their oaths of office with
1374 the Clerk of Carson City.

1375 2. The commissioners must serve without
1376 compensation, but a commissioner may be reimbursed for
1377 expenses actually incurred for travel authorized by the
1378 Commission.

1379 3. The Commission shall elect a Chair, Vice Chair,
1380 Secretary and Treasurer from among its members. The
1381 Secretary and the Treasurer may be one person. The terms of
1382 the officers expire on July 1 of each odd-numbered year.

1383 4. The Secretary shall maintain audio recordings or
1384 transcripts of all meetings of the Commission and a record of
1385 all of the proceedings of the Commission, minutes of all
1386 meetings, certificates, contracts and other acts of the
1387 Commission. Except as otherwise provided in NRS 241.035,
1388 the records must be open to the inspection of all interested
1389 persons at a reasonable time and place. A copy of the minutes
1390 ~~or draft minutes, as applicable,~~ or audio recordings must be
1391 made available to a member of the public upon request at no
1392 charge pursuant to NRS 241.035.

Commented [GDO52]: Change #12 (2/14 Meeting)

1393 5. The Treasurer shall keep an accurate account of all
1394 money received by and disbursed on behalf of the
1395 Commission. The Treasurer shall file with the Clerk of Carson
1396 City, at the expense of the Commission, a fidelity bond in an
1397 amount not less than \$10,000, conditioned for the faithful
1398 performance of his or her duties.

1399 **Sec. 36.** Section 27 of the Western Regional Water Commission Act,
1400 being chapter 531, Statutes of Nevada 2007, as amended by chapter
1401 98, Statutes of Nevada 2013, at page 340, is hereby amended to read
1402 as follows:

1403 Sec. 27. 1. The Board shall elect one of its members as Chair
1404 and one of its members as Vice Chair, and shall elect a
1405 Secretary and a Treasurer, who may be members of the Board.
1406 The Secretary and the Treasurer may be the same person. The
1407 terms of the officers expire on December 31 of each year.

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AB70

1408 2. The Secretary shall keep audio recordings or transcripts of
1409 all meetings of the Board and, in a well-bound book, a record
1410 of all the proceedings of the Board, minutes of all meetings,
1411 certificates, contracts, bonds given by employees and all other
1412 acts of the Board. Except as otherwise provided in NRS
1413 241.035, the minute book, audio recordings, transcripts and
1414 records must be open to the inspection of all interested persons,
1415 at all reasonable times and places. A copy of the minutes ~~or~~
1416 ~~draft minutes, as applicable,~~ or audio recordings must be
1417 made available to a

Commented [GDO53]: Change #12 (2/14 Meeting)

- *AB70*

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.

NRS 241.033 Meeting to consider character, misconduct, competence or health of person or to consider appeal of results of examination: Written notice to person required; exception; public body required to allow person whose character, misconduct, competence or health is to be considered to attend with representative and to present evidence; attendance of additional persons; copy of record.

1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and
(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

Commented [GDO54]: This section was not previously revised in this bill, but we would like to add subsection c to subsection 7 (see below)

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AB70

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section:

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

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AB70

(c) honors, awards, tenure, commendations and other matters of positive recognition are not subject to the notice requirements otherwise imposed by this section.

Commented [GDO55]: New Change #25 (2/14 Meeting)

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AB70



