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WORK SESSION

Assembly Committee on Government Affairs

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

SENATE BILL 229

Makes various changes regarding public meetings. (BDR 19-16)

Sponsored by: Senators O'Connell and Titus
Date Heard: May 5, 2003

Senate Bill 229 provides that a "*public body that is a governing board*" may not take action on any agenda item until public comment on that item has been permitted, with an exception for contested cases. A "*public body that is a governing board*" is defined as a public body with the power to legislate or an executive/administrative body that has regulatory authority or the power to make a final decision for the purposes of judicial review. Advisory bodies are specifically excluded from the definition.

The bill adds posting notice on a public website to the definition of minimum public notice and also allows for sending notice by electronic mail if receipt can be verified. The bill adds the requirement that requests for renewal of notices shall be in writing. Further, the bill requires minutes of a *public body that is a governing board* to be posted on a website upon adoption and approval of the minutes and to remain on the website for at least one year and at the office for at least five years.

The measure provides that a *public body that is a governing board* shall maintain an audio recording of a meeting and make that recording available to the public within ten working days after adjournment of the meeting at which it was recorded. An audio recording of a closed meeting becomes a public record when the public body determines that the matters discussed at such meeting no longer require confidentiality. If a person's competence or health was the subject of the closed meeting, that person's consent is also required prior to release of the audiotape and that person has a right to the audiotape whether or not it becomes a public record.

The measure stipulates that audio recordings must be maintained for meetings of: (1) county fair and recreation boards; (2) city councils; (3) zoning boards of adjustment; (4) the Personnel Commission; (5) the Public Employees' Retirement System; (6) the

5/15/2003

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ASSEMBLY GOVERNMENT AFFAIRS E1-26
DATE: 5/16/03 ROOM: 3143 EXHIBIT E
SUBMITTED BY: Susan Scholley

Board of the Public Employees' Benefits Program; (7) the board of trustees for a general improvement district; (8) county boards of equalization; (9) boards of law library trustees; (10) the Comstock Historic District Commission; (11) the board of trustees of a school district; (12) the Nevada Veterans' Services Commission; (13) the State Welfare Board; (14) the Division of Health Care Financing and Policy regarding regulations; (15) the Committee on Anatomical Dissection; (16) the boards of adjustment for airport zoning regulations; (17) the Commission on Mineral Resources; (18) the board of directors for a water conservancy district; (19) the board of trustees for a flood control district; (20) the State Board of Agriculture; (21) the Nevada Beef Council; (22) the Board for the Regulation of Liquefied Petroleum Gas; (23) the North Las Vegas City Council; (24) the Elko Convention and Visitors Authority; (25) the airport authorities of Washoe County, Battle Mountain, and Carson City; and (26) the Nevada Commission for the Reconstruction of the V & T Railway. However, the Nevada Tax Commission, the State Board of Equalization, and Nevada's Department of Taxation are not required to maintain audio recordings of meetings, provided that their meetings are transcribed by a certified court reporter.

Finally, Senate Bill 229 provides that, if practicable, an executive department agency that is a board, commission, or other similar body must have at least one member of that body present during regulation workshops.

Amendments: Amendments were proposed by Clark County, Nevada State Education Association, Washoe County, the City of Reno, the Board of Parole Commissioners, and the Department of Conservation and Natural Resources. Subsequent to the hearing, amendments relating general improvement districts were requested by the Sun Valley General Improvement District.

A list of the proposed amendments is attached.

Opposition: None

Fiscal Impact: Local Government: Yes (Attached)
State Government: Yes (Attached)

LIST OF PROPOSED AMENDMENTS TO SENATE BILL 229

ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

MAY 15, 2003

1. **City of Reno:** Amend Section 1 (in either subsection 1 or 2) to clarify that the required public comment period on an item may be either offered by a *public body that is a governing board* on an item-by-item basis, under a single comment period preceding any action, or a combination thereof [pg. 1].
2. **Washoe County:** Amend subsection 2 of Section 1 to require the *public body that is a governing board* to include any required process for making public comment, such as comment cards, in a rule of procedure [pg.1 at line 8].
3. **Washoe County:** Amend the definition of *public body that is a governing board* to include a public body that has been delegated the authority to make final decisions (such as planning commissions) and to include a public body that makes recommendations on the disbursement of federal or state funds [pg. 3 at lines 12-21]. However, note possible conflict with exclusion of advisory bodies.
4. **Department of Conservation and Natural Resources:** Amend the definition of *public body that is a governing board* to exclude public bodies that do not have one or more full-time administrative staff or which provide per diem or other compensation to their members (excluding reimbursement for expenses) [pg. 3 at lines 12-21].
5. **Clark and Washoe County:** Amend subsections 3, 4, 6 and 7 of Section 2 [pages 4 - 5] to require a *public body that is a governing board* to post notices of its meetings on a public website, and to state that technical difficulties which prevent the posting of notice on a public website, by an entity required to do so, shall not be a violation of the open meeting law. A mock-up showing the combination of subsections 3, 4, 6 and 7, and deletion of subsection 5, is attached.

6. **Washoe County:** Amend subsection 2(b) of Section 3 to change the time for making minutes available from 30 days to 60 days for an entity that is NOT a *public body that is a governing board* [pg. 6 at line 29].
7. **City of Reno:** Amend subsection 2(b) of Section 3 to provide that exhibits and written remarks included in the record of the meeting need not be posted on the public website but their availability at the offices of the public body shall be noted in the minutes posted on the website [pg. 6 at line 32].
8. **Nevada State Education Association:** Amend Section 3 in subsection 2 [p. 6 at line 42] and subsection 3 [pg. 7 at line 23] to require that consent to disclosure of the minutes or audiotape by the person who was the subject of a closed meeting must be in writing.
9. **Board of Parole Commissioners:** Add a new section to amend Chapter 213 (Pardons and Paroles) to provide that, except as otherwise required in Chapter 213, the provisions of Chapter 241 do not apply to a public body conducting a meeting or hearing that may result in a recommendation or final decision to grant, deny, continue or revoke the parole of a prisoner, certify a prisoner pursuant to NRS 213.1214, commute or modify a sentence, restore a person's civil rights or grant a pardon or reprieve.
10. **Sun Valley General Improvement District:** Amend Chapter 318 as originally set forth in Assembly Bill 241 with the amendments noted in the attached mock-up.

CONFLICT OF INTEREST

Two provisions of this bill conflict with Assembly Bill 409 (Chapter 76, *Statutes of Nevada*), signed by the Governor on May 12, 2003.

1. Assembly Bill 409 and Senate Bill 229 both provide for notice by electronic mail upon request. However, Senate Bill 229 only permits electronic notification if receipt of electronic mail can be verified [pg. 5 at lines 16-17].
2. Senate Bill 229 adds a requirement that a request for renewal of notice must be in writing [pg. 4 at line 25].

**#5. ATTACHMENT TO LIST OF PROPOSED AMENDMENTS TO SENATE BILL 229
COMBINING SUBSECTIONS 3, 4, 6, AND 7, DELETING 5.**

Proposed Amendment to Senate Bill No. 229

Sec. 2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these *public* bodies. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

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

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) An agenda consisting of:

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

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed, an indication of any item that is a closed session and an estimated time for the conduct of that closed session. If the meeting will include more than one closed session, the public body shall schedule and consider those items consecutively, if practicable.

3. Minimum public notice *for a public body* is:

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

(b) ~~Mail~~ *Sending* a copy of the notice to any person who has requested notice of the meetings of the *public* body:

(1) By mail in the same manner in which notice is required to be mailed to a member of the *public* body ~~};~~ ;

(2) By electronic means if receipt of such an electronic notice can be verified; or

(3) By the methods set forth in subparagraphs (1) and (2).

A request for notice *pursuant to this paragraph* lapses 6 months after it is made ~~};~~ *and may be renewed by the requester in writing.* The public body shall inform the requester of this fact by enclosure with, ~~{}~~ notation upon *or text included within*, the first notice sent. ~~{The notice}~~ *Notice requested pursuant to this paragraph* must be delivered to the postal service used by the *public* body *or sent by electronic means, as applicable*, not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains ~~its~~ *its own* website on the Internet or its successor, the public body shall post notice of each of its meetings on its website *not later than 9 a.m. of the third working day before the meeting* unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. *Regardless of whether it maintains its own website on the Internet or its successor, a public body that is a governing board shall post notice of each of its meetings on a public website on the Internet or its successor not later than 9 a.m. of the third working day before the meeting unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the website.* Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of *such* technical problems ~~[with its website]~~ shall not be deemed to be a violation of the provisions of this chapter.

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

- (a) An agenda for a public meeting;
- (b) A proposed ordinance or regulation which will be discussed at the public meeting; and
- (c) Any other supporting material provided to the members of the *public* body for an item on the agenda, except materials:

- (1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement;
- (2) Pertaining to the closed portion of such a meeting of the public body; or
- (3) Declared confidential by law.

6. 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.

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 241

PREPARED FOR ASSEMBLY GOVERNMENT AFFAIRS
MAY 16, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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

- 1 **Section 1.** NRS 318.020 is hereby amended to read as follows:
2 318.020 As used in this chapter, unless the context otherwise
3 requires:
4 1. "Acquisition," "acquire" and "acquiring" each means acquisition,
5 extension, alteration, reconstruction, repair or other improvement by
6 purchase, construction, installation, reconstruction, condemnation, lease,
7 rent, gift, grant, bequest, devise, contract or other acquisition, or any
8 combination thereof.
9 2. "Board of trustees" and "board" alone each means the board of
0 trustees of a district.
1 3. "FM radio" means a system of radio broadcasting by means of
2 frequency modulation.
3 4. "General improvement district" and "district" alone each means
4 any general improvement district organized or, in the case of
5 organizational provisions, proposed to be organized, pursuant to this
6 chapter.

PROPOSED AMENDMENT TO AB241

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1 5. "Mail" means a single mailing first class or its equivalent, postage
2 prepaid, by deposit in the United States mails, at least 15 days before the
3 designated time or event.

4 6. "Project" and "improvement" each means any structure, facility,
5 undertaking or system which a district is authorized to acquire, improve,
6 equip, maintain or operate. A project may consist of all kinds of personal
7 and real property, including, but not limited to, land, elements and fixtures
8 thereon, property of any nature appurtenant thereto or used in connection
9 therewith, and every estate, interest and right therein, legal or equitable,
10 including terms for years, or any combination thereof.

11 7. "Publication" means publication ~~{at least once a week for 3~~
12 ~~consecutive weeks in at least}~~ one time in a newspaper of general
13 circulation in the district ~~{. It is not necessary that publication be made on~~
14 ~~the same day of the week in each of the 3 calendar weeks, but the first~~
15 ~~publication must be}~~ at least 15 days before the designated time or event.

16 8. "Qualified elector" means a person who has registered to vote in
17 district elections.

18 9. "Special assessment district" means any local public improvement
19 district organized within a general improvement district by the board of
20 trustees of such general improvement district pursuant to this chapter.

21 10. "Trustees" means the members of a board.

22 **Sec. 2.** NRS 318.085 is hereby amended to read as follows:

23 318.085 Except as otherwise provided in NRS 318.0953 and
24 318.09533:

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

30 2. The board shall adopt a seal.

31 3. The secretary shall keep, in a well-bound book, a record of all of
32 the board's proceedings, minutes of all meetings, any certificates,
33 contracts, bonds given by employees and all corporate acts. This book
34 must be open to inspection of all owners of real property in the district as
35 well as to all other interested persons.

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

Change from AB 241 -
salary increase reduced
from \$12,000 to \$9000.

1 5. Each member of a board of trustees of a district organized or
2 reorganized pursuant to this chapter may receive as compensation for his
3 service not more than ~~[\$6,000]~~ \$9,000 per year, payable monthly, if the
4 budget is adequate and a majority of the members of the board vote in
5 favor of such compensation, but no member of the board may receive any
6 other compensation for his service to the district as an employee or
7 otherwise. ~~{A} Each member of the board is not entitled to receive as~~
8 ~~compensation more than \$1,800 per year if the additional compensation is~~
9 ~~approved during the term of the member.~~ *must receive the same*
10 *compensation. If a majority of the members of the board vote in favor of*
11 *an increase in the compensation of the trustees, the increase may not*
12 *take effect until January 1 following the next biennial election of the*
13 *district as set forth in NRS 318.095.*

14 **Sec. 3.** NRS 318.197 is hereby amended to read as follows:

15 318.197 1. The board may fix, and from time to time increase or
16 decrease, electric energy, cemetery, swimming pool, other recreational
17 facilities, television, FM radio, sewer, water, storm drainage, flood control,
18 snow removal, lighting, garbage or refuse rates, tolls or charges other than
19 special assessments, including, but not limited to, service charges and
20 standby service charges, for services or facilities furnished by the district,
21 charges for the availability of service, annexation charges, and minimum
22 charges, and pledge the revenue for the payment of any indebtedness or
23 special obligations of the district.

24 2. Upon compliance with subsection 9 and until paid, all rates, tolls or
25 charges constitute a perpetual lien on and against the property served. A
26 perpetual lien is prior and superior to all liens, claims and titles other than
27 liens of general taxes and special assessments and is not subject to
28 extinguishment by the sale of any property on account of nonpayment of
29 any liens, claims and titles including the liens of general taxes and special
30 assessments. A perpetual lien must be foreclosed in the same manner as
31 provided by the laws of the State of Nevada for the foreclosure of
32 mechanics' liens. Before any lien is foreclosed, the board shall hold a
33 hearing thereon after providing notice thereof by publication and by
34 registered or certified first-class mail, postage prepaid, addressed to the last
35 known owner at his last known address according to the records of the
36 district and the real property assessment roll in the county in which the
37 property is located.

38 3. The board shall prescribe and enforce regulations for
39 the connection with and the disconnection from properties of the facilities
40 of the district and the taking of its services.

41 4. The board may provide for the collection of charges. Provisions
42 may be made for, but are not limited to:

- 43 (a) The granting of discounts for prompt payment of bills.
- 44 (b) The requiring of deposits or the prepayment of charges in an
- 45 amount not exceeding 1 year's charges from persons receiving service and

1 using the facilities of the enterprise or from the owners of property on
2 which or in connection with which services and facilities are to be used. In
3 case of nonpayment of all or part of a bill, the deposits or prepaid charges
4 must be applied only insofar as necessary to liquidate the cumulative
5 amount of the charges plus penalties and cost of collection.

6 (c) The requiring of a guaranty by the owner of property that the bills
7 for service to the property or the occupants thereof will be paid.

8 5. The board may provide for a basic penalty for nonpayment of the
9 charges within the time and in the manner prescribed by it. The basic
10 penalty must not be more than 10 percent of each month's charges for the
11 first month delinquent. In addition to the basic penalty, the board may
12 provide for a penalty of not exceeding 1.5 percent per month for
13 nonpayment of the charges and basic penalty. ~~On the first day of the~~
14 ~~calendar month following the date of payment specified in the bill the~~ *The*
15 *board may prescribe and enforce regulations that set forth the date on*
16 *which a charge becomes delinquent .* ~~if the bill or that portion thereof~~
17 ~~which is not in bona fide dispute remains unpaid.~~ The board may provide
18 for collection of the penalties provided for in this section.

19 6. The board may provide that charges for any service must be
20 collected together with and not separately from the charges for any other
21 service rendered by it, and that all charges must be billed upon the same
22 bill and collected as one item.

23 7. The board may enter into a written contract with any person, firm
24 or public or private corporation providing for the billing and collection by
25 the person, firm or corporation of the charges for the service furnished by
26 any enterprise. If all or any part of any bill rendered by the person, firm or
27 corporation pursuant to a contract is not paid and if the person, firm or
28 corporation renders any public utility service to the person billed, the
29 person, firm or corporation may discontinue its utility service until the bill
30 is paid, and the contract between the board and the person, firm or
31 corporation may so provide.

32 8. As a remedy established for the collection of due and unpaid
33 deposits and charges and the penalties thereon an action may be brought in
34 the name of the district in any court of competent jurisdiction against the
35 person or persons who occupied the property when the service was
36 rendered or the deposit became due or against any person guaranteeing
37 payment of bills, or against any or all such persons, for the collection of
38 the amount of the deposit or the collection of delinquent charges and all
39 penalties thereon.

40 9. A lien against the property served is not effective until a notice of
41 the lien, separately prepared for each lot affected, is:

42 (a) Mailed to the last known owner at his last known address according
43 to the records of the district and the real property assessment roll of the
44 county in which the property is located;

1 (b) Delivered by the board to the office of the county recorder of the
2 county within which the property subject to such lien is located;

3 (c) Recorded by the county recorder in a book kept by him for the
4 purpose of recording instruments encumbering land; and

5 (d) Indexed in the real estate index as deeds and other conveyances are
6 required by law to be indexed.

7 **Sec. 4.** NRS 318.490 is hereby amended to read as follows:

8 318.490 1. Except as otherwise provided in NRS 318.492,
9 whenever a majority of the members of the board of county commissioners
10 of any county deem it to be in the best interests of the county and of the
11 district that the district be merged, consolidated or dissolved, it shall so
12 determine by ordinance, after there is first found, determined and recited in
13 the ordinance that:

14 (a) All outstanding indebtedness and bonds of all kinds of the district
15 have been paid or will be assumed by the resulting merged or consolidated
16 unit of government.

17 (b) The services of the district are no longer needed or can be more
18 effectively performed by an existing unit of government.

19 2. ~~{The}~~ *If a board of county commissioners determines to merge,*
20 *consolidate or dissolve a district that was, on October 1, 2003, exercising*
21 *powers pursuant to NRS 318.140, 318.142, and 318.144, in addition to*
22 *meeting the requirements set forth in subsection 1, within 90 days after*
23 *the ordinance is adopted by the board of county commissioners the*
24 *ordinance must be adopted by a majority of the board of trustees of the*
25 *district that is being merged, consolidated or dissolved. A district*
26 *described in this subsection may not be merged, consolidated or dissolved*
27 *if the ordinance is not adopted by the board of the district.*

28 3. *After an ordinance has been adopted pursuant to subsection 1*
29 *and, if applicable, subsection 2, the county clerk shall thereupon certify a*
30 *copy of the ordinance to the board of the district and shall mail written*
31 *notice to all property owners within the district in his county, containing*
32 *the following:*

33 (a) The adoption of the ordinance ~~{}~~ *by the board of county*
34 *commissioners and, if applicable, by the board of the district;*

35 (b) The determination of the board of county commissioners that the
36 district should be dissolved, merged or consolidated; and

37 (c) The time and place for hearing on the dissolution, merger or
38 consolidation.

39 **Sec. 5.** NRS 318.492 is hereby amended to read as follows:

40 318.492 1. If all the territory within a district organized pursuant to
41 this chapter is included within the boundaries of a city incorporated under
42 the provisions of chapter 266 of NRS, the board of county commissioners
43 of the county shall, within 90 days after the filing of the notice required by
44 NRS 266.033, adopt an ordinance providing for the merger of the district
45 with the city and fixing a time and place for a hearing on the merger.

Amendment
proposed by Mary
Walker to add
requirement of
garbage service so
that impact of
section is limited to
two GIDs only - Sun
Valley and Incline
Village.

- 1 2. The county clerk shall certify a copy of the ordinance and give
- 2 notice of its adoption in the manner provided by subsection ~~2~~ 3 of NRS
- 3 318.490.
- 4 3. The board of county commissioners shall thereafter proceed to hear
- 5 and determine the matter as provided in NRS 318.495 and 318.500.

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PROPOSED AMENDMENT TO AB241

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BDR 19-16
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LOCAL GOVERNMENT
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: April 05, 2003

Agency Submitting: Local Government

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Total				

Explanation (Use Additional Sheets of Attachments, if required)

Nevada's cities reported the following impacts resulting from this bill:

Nevada League of Cities – Could costs rural cities up to \$2,000 per year for administrative costs of website management.
 City of Henderson - \$152,650 in FY 2004; \$132,650 in FY 2005; \$265,300 in future biennia.
 City of Las Vegas – No measurable fiscal impact.
 City of North Las Vegas – No fiscal impact.
 City of Reno - \$473 in FY 2004; \$490 in FY 2005; \$507 in future year for website maintenance.

Nevada's counties reported the following impacts resulting from this bill:

Carson County – Unknown.
 Churchill County - \$5,000 in FY 2004; \$1,000 in FY 2005; \$1,250 in future years for software and hardware enhancement and staff training.
 Clark County – Between \$75,000 and \$100,000.
 Douglas County – \$1,000 per year.
 Eureka County - \$2,500 per year.
 Humboldt County – \$10,000 or more per year.
 Lincoln County – No fiscal impact.
 Nye County – No fiscal impact.
 Washoe County – \$218,000 in FY 2004; \$207,500 in FY 2005; \$442,000 in future biennia.
 White Pine County – Minimal costs related to establishing website.

The following counties did not respond:

Elko County
 Esmeralda County
 Lander County
 Lyon County
 Mineral County
 Pershing County
 Storey County

Name Rick Combs
 Title Deputy Fiscal Analyst

BDR 19-16
S.B. 229

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 20, 2003

Agency Submitting: Board of Osteopathic Medicine

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
LCB Meeting Rooms Weekends (approximately 6 meetings per year) (Expense)		\$2,940	\$2,940	\$5,880
Web posting of Agendas and Minutes (Expense)		\$1,440	\$1,440	\$2,880
Rental of Rooms and necessary technology when LCB not available (approximately 6 meetings per year) (Expense)		\$9,000	\$9,000	\$18,000
Total		\$13,380	\$13,380	\$26,760

Explanation (Use Additional Sheets of Attachments, if required)

Expense 1: Cost of LCB meeting room usage when available \$490 x 6 (average number of meetings per year) totals \$2940.

Expense 2: Website hosting cost \$120 per month, total per year \$1200.

Expense 3: Room rental in Reno and Las Vegas when LCB is not available including rental of teleconferencing equipment and technical personnell \$1500 per meeting x 6 (average number of meetings per year).

Name Trey Delap
Title Deputy Executive Director

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 24, 2003

Board's estimates appear reasonable.

Name John P. Comeaux
Title Director

BDR 19-16
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EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 06, 2003

Agency Submitting: Department of Agriculture

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Operating (Expense)		\$10	\$10	\$20
Information Technology (Expense)		\$4,180		
Total		\$4,190	\$10	\$20

Explanation (Use Additional Sheets of Attachments, if required)

The Nevada Department of Agriculture would be impacted by sections 2 & 3 of BDR 19-16. The Department includes ten public bodies in titles 49, 50 and 51. Passage of this legislation would increase coordination for posting to the Internet, increase coordination of electronic notification to interested parties, and also require purchase of equipment for audio recording for each meeting of a public body. Administrative costs would also increase, as phone conferences would also need an audio recording, which would require a least one participant to have a speaker phone and an audio recorder. There would be some reduction of costs by electronic notification of meetings to interested parties, and also electronic attachment of meeting material, as usage of electronic notice is growing rapidly, however, a basis to build an estimate is not available. For purposes of this fiscal note, all of the ten bodies will meet four times per year.

Name Rick Gimlin
Title ASO

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 11, 2003

Agency comments and estimate appear reasonable

Name John P. Comeaux
Title Director

General Narrative

The Nevada Department of Agriculture would be impacted by sections 2 & 3 of BDR 19-16. The Department includes ten public bodies in titles 49, 50 and 51. Passage of this legislation would increase coordination for posting to the Internet, increase coordination of electronic notification to interested parties, and also require purchase of equipment for audio recording for each meeting of a public body. Administrative costs would also increase, as phone conferences would also need an audio recording, which would require a least one participant to have a speaker phone and an audio recorder. There would be some reduction of costs by electronic notification of meetings to interested parties, and also electronic attachment of meeting material, as usage of electronic notice is growing rapidly, however, a basis to build an estimate is not available. For purposes of this fiscal note, all of the ten bodies will meet four times per year. Additional costs expected from this BDR are detailed below.

Category Title	Ledger	Description	FY03	FY04	FY05
	4	Operating	-	10	10
4 Total			-	10	10
	26	Information Technology	-	3,000	-
		Purchase of two laptop computers (one in Reno and Winnemucca) to record meetings, and provide permanent audio media, and also media to transcribe minutes. Most meetings occur in Northern Nevada, and this equipment would be shared among the ten public bodies in the Department. The Board of Agriculture currently uses a laptop computer to record audio directly to a CD, and minutes are transcribed from the CD. Computers are estimated to cost \$1,500 each (Dell Inspiron used for estimate), including case, antivirus and CD creator.			
	26	Information Technology	-	940	-
		Windows XP office package (\$350 p/license) and recording software (\$120 p/license) for two computers.			
	26	Information Technology	-	240	-
		8370 Microphones suitable for conferences for two computers, \$120 each.			
26 Total			-	4,180	-
Grand Total			-	4,190	10

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**EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: March 14, 2003

Agency Submitting: Department of Business and Industry

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Purchase of recording equipment (Expense)		\$5,462	\$240	
Salaries and Per Diem for Board Members (Expense)		\$550	\$550	\$550
Total		\$6,012	\$790	\$550

Explanation (Use Additional Sheets of Attachments, if required)

Agencies would have to purchase recording equipment. An agency contracts with a certified court reporter to transcribe monthly meeting minutes, a copy is available in the agencies office for review, however, per NRS239.053 only the certified court reporter can provide individual copies to those that would request copies. Publishing the minutes on a public website would be a direct violation of this statute. Another concern is that the bill requires Board members to be present at workshops for administrative rulemaking, necessitating salary and per diem expenses.

Name Doug Walther
Title Deputy Director

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 18, 2003

Agency's estimates appear reasonable.

Name John P. Comeaux
Title Director

BDR 19-16
S.B. 229

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 18, 2003

Agency Submitting: Department of Conservation and Natural Resources

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Manpower: Web related (Expense)		\$1,327	\$1,327	\$2,654
Manpower: Recording related (Expense)		\$280	\$280	\$560
Equipment: Tapes (Expense)		\$387	\$387	\$774
Equipment: Other (one-time) (Expense)		\$2,664		
Total		\$4,658	\$1,994	\$3,988

Explanation (Use Additional Sheets of Attachments, if required)

Please see attached department spreadsheet.

Name Colleen Murphy

Title Management Analyst

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 18, 2003

Agency comments and estimate appears reasonable.

Name John P. Comeaux

Title Director

State of Nevada
Department of Conservation and Natural Resources
2003 Legislative Session
Fiscal Note
SB 229: Open Meeting Law (BDR 19-16)

Division	Description				FY 02-03	FY 03-04	FY 04-05	Effect on Future Biennia
	Additional Manpower: Web Related	Additional Manpower: Recording Related	Additional Equipment: Tapes	Additional Equipment: Other				
Director's Office	\$ 20 per hr @ 2 hrs * 4 mtgs = \$160 yr	\$ 20 per hr @ 1 hr * 4 mtgs = \$80 yr	\$ 2 per tape @ 4 tapes * 4 mtgs = \$32 yr	One time cost for filing cabinet \$325 (Must retain docs 3 yrs vs 1yr)	\$0.00	\$597.00	\$272.00	\$544.00
Conservation Districts	n/a	n/a	n/a	n/a	\$0.00	\$0.00	\$0.00	\$0.00
Environmental Protection	\$ 30 per mtg @ 25 mtgs = \$750 yr	\$ 20 per mtg @ 5 mtgs = \$200 yr	\$ 2 per tape @ 5 tapes * 5 mtgs = \$50 yr	n/a	\$0.00	\$1,000.00	\$1,000.00	\$2,000.00
Forestry	n/a	n/a	\$ 1 per tape @ 150 tapes = \$150 yr	One-time cost for recording equipment for each region 4 * \$400 each = \$1,600	\$0.00	\$1,750.00	\$150.00	\$300.00
Natural Heritage	n/a	n/a	n/a	n/a	\$0.00	\$0.00	\$0.00	\$0.00
State Lands	n/a	n/a	n/a	n/a	\$0.00	\$0.00	\$0.00	\$0.00
State Parks	\$ 19 per hr @ 11 hrs (9 mtgs) = \$209 yr	n/a	\$ 1.70 per tape @ 49 tapes (9 mtgs) = \$83.30 yr	n/a	\$0.00	\$292.30	\$292.30	\$584.60
Water Resources	\$26 per hr * 8 hrs = \$208 per yr	n/a	n/a	n/a	\$0.00	\$208.00	\$208.00	\$416.00
Wild Horse	n/a	n/a	\$ 12 per tape @ 1 tapes * 6 mtgs = \$72 yr	One time cost for recording equipment \$739	\$0.00	\$811.00	\$72.00	\$144.00
Wildlife	n/a	n/a	n/a	n/a	\$0.00	\$0.00	\$0.00	\$0.00
DCNR Totals					\$0.00	\$4,658.30	\$1,994.30	\$3,988.60
checks:	\$1,327.00	\$280.00	\$387.30	\$2,664.00	\$6,652.60	\$6,652.60		
	\$2,654.00	\$980.00	\$774.60	\$2,604.00				

Prepared by: Colleen Murphy
 EAVE File Name: F:\Legislative\2003\Fiscal Notes\SB 229.DCNR SB 229

BDR 19-16
S.B. 229

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 07, 2003

Agency Submitting: Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
			\$1,547	\$694
Total			\$1,547	\$694

Explanation (Use Additional Sheets of Attachments, if required)

This bill makes various changes regarding public meetings. Staff searched its database listing crimes related to open meeting laws. Staff found none. Staff does not expect any felony convictions due to violations of the public meeting laws. However, this bill would affect the department due to necessary changes in the conduct of the Board of Prison Commissioners' meetings as well as any study committee that looks at the operations of the NDOC. NDOC would be required to purchase the following items in order to comply with the changes to Chapter 241 of the Nevada Revised Statutes:

- a) Filing cabinet for storage of minutes & audio recordings for the required five year time period;
- b) Binders for storage of minutes and audio recordings;
- c) Cassette tapes;
- d) Recording equipment;
- e) Transcription equipment;
- f) Audio copying equipment or funds to pay for an outside agency to complete the copying of audio tapes upon request of the public;
- g) Mailing supplies;
- h) Increase in postage costs.

NDOC estimates the cost of each of the above to be as follows:

- a) \$400.00 for one lockable two-drawer filing cabinet
- b) \$6.91 for each binder x 15 binders = \$103.65
- c) \$1.78 for each cassette tape x 25 = \$44.50
- d) \$300.00 for recording equipment which would include microphones;
- e) \$200.00 for transcription equipment
- f) \$300.00 for either the copying equipment or for payment to an outside agency to complete the task
- g) \$49.51 per box for mailing envelopes capable of mailing cassette tapes, minutes and/or CD of meetings x 2 = \$99.02
- h) \$100.00 increase in postage costs to mail minutes, tapes and/or CDs to the public upon request

The estimated total fiscal impact to NDOC would be:

\$1,547.17

Name Jackie Crawford
Title Director

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 11, 2003

Agency estimate appears reasonable.

Name John P. Comeaux
Title Director

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: April 05, 2003

Agency Submitting: Department of Human Resources

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Recording Equipment (Expense)		\$7,260		
Total		\$7,260		\$0

Explanation (Use Additional Sheets of Attachments, if required)

All Department of Human Resources divisions report minor impacts except the Division of Child and Family Services (DCFS). The Mental Health Coalitions created as part of the child welfare integration process must meet regularly and the groups are so large that the less expensive recording equipment will not be sufficient to meet the requirements of this legislation. The DCFS has reported they will need 2 sets of recording equipment, one for the southern region and 1 to be shared by the north and rural regions. The cost for one region consists for \$2,950 for an audio recorder, \$680 for 8 microphones and microphone stands for a total of \$3,630. The total cost for both regions is \$7,260.

Name Mike Torvinen
Title DHR DO ASO IV

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date April 07, 2003

Agency estimates appear reasonable.

Name John P. Comeaux
Title Director

BDR 19-16
S.B. 229

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 14, 2003

Agency Submitting: Nevada Commission on Ethics

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Sony 4-channel recording system (Expense)		\$3,720		
Sony tape reformatter/duplicator (Expense)		\$5,995		
Carrying case (Expense)		\$250		
Tapes to record NCOE hearings (Expense)		\$350	\$350	\$700
Tapes requested by public (Expense)				
Tapes requested by public (Revenue)				
Total		\$10,315	\$350	\$700

Explanation (Use Additional Sheets of Attachments, if required)

Recording meetings: In order to record meetings which are often conducted by videoconference or telephone conference, a high quality recording system will be necessary. Quoted is Sony Model BM-246 dual-deck 4-channel recording system with 4 conference microphones, stands, and cables. The tapes produced by this system can not be duplicated in a format able to be distributed to the general public unless a compatible tape reformatter/duplicator is utilized. Quoted is the Sony Model CCP-1300RF/D high speed, 16X tape reformatter/duplicator. Tape cost is for recording public hearings only - since some agenda items are closed, it would be necessary to record each agenda item separately to facilitate distribution to public upon request and to ensure confidential, closed items are not publicly distributed. Tape cost for public is listed at \$0 - as it is anticipated this cost would be directly passed through to the public. Fiscal impact could be reduced IF a company with the same taping system could duplicate tapes in a format playable by the public; however, this would increase the cost of the tapes provided to the general public. Posting of minutes and agendas on the internet: This has no fiscal impact as this agency presently posts agendas and minutes on the internet. Commission members required to attend regulation workshops: Fiscal impact is minimal, thus not included. Currently, the public can access copies of the minutes via our web site free of charge. Copies of our transcripts can be obtained from our certified court reporter at 50 cents per page, and the public has the option of buying only the pages of the transcript which they would like to review. Transcripts can be reviewed at the Commission office free of charge. Thus, the public presently has a number of no cost or low cost venues to access records of the NCOE meetings.

Name Stacy M. Jennings
Title Executive Director

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 18, 2003

Agency's comments appear reasonable.

Name John P. Comeaux
Title Director

BDR 19-16
S.B. 229

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 14, 2003

Agency Submitting: Nevada Department of Transportation

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Departmental costs (Expense)		\$15,000		
Total		\$15,000		\$0

Explanation (Use Additional Sheets of Attachments, if required)

For new recording equipment to make copies of tapes available to the public.

Name Dennis Baughman
Title Chief of Communications Office

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 18, 2003

The agency estimate appears to be reasonable.

Name John P. Comeaux
Title Director Dept of Admin.

**BDR 19-16
S.B. 229**

**EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: March 19, 2003

Agency Submitting: State Contractors Board

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Expense (Expense)		\$640	\$640	\$1,280
Total		\$640	\$640	\$1,280

Explanation (Use Additional Sheets of Attachments, if required)

Additional expense of \$80.00 per day per diem for participation of Board members at additional meetings. It is anticipated there will be approximately 8 meetings throughout the year which may require the attendance of a Board Member.

Name George J. Lyford

Title Director Investigations

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 21, 2003

Board's estimates appear reasonable.

Name John P. Comeaux

Title Director

BDR 19-16
S.B. 229

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 18, 2003

Agency Submitting: Board of Medical Examiners

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
		\$3,360	\$3,360	\$6,720
Total		\$3,360	\$3,360	\$6,720

Explanation (Use Additional Sheets of Attachments, if required)

The charges associated with renting the Legislature Building in Carson City and Las Vegas would be approximately \$840.00 per Board meeting. The Board has four Board meetings a year for a total estimated cost of #3360.00 per fiscal year. The breakdown is as follow:

Weekday 8 to 5 is \$25.00/hr.

After hours and weekend is \$45.00/hr.

After hours and weekend requires security personnel to be present. This is a 2.5-hr. minimum of \$62.50; thereafter is \$25.00/hr.

Using the following example for a Nevada State Board of Medical Examiners meeting:

Friday meeting begins at 9am and adjourns at 7:30pm, with an hour break for lunch:

7 hrs. @ \$25.00/hr. \$175.00

2.5 hrs. @ \$45.00/hr. \$112.50

2.5 min. hrs. @ \$25.00/hr. \$62.50 (Security)

Total \$350.00

Saturday meeting begins at 9am and adjourns at 5pm with an hour break for lunch:

7 hrs. @ \$45.00/hr. \$315.00

7 hrs. @ \$25.00/hr. \$175.00 (Security)

Total \$490.00

Cost for meeting @ Legis. Bldg. for a Friday and Saturday \$840.00

1. Since no food is allowed in the meeting room, lunch could not be catered and the Board would have to adjourn to allow members to eat.
2. There would be additional cost to provide transportation from and to the airport, from Carson City.
3. Personal appearances would require those people to make their own arrangements from and to the airport at their own expense. This may place a hardship on some of those people.
4. During the Legislative Session, the facility/room would not be available.

Name Robert A. Frantz

Title Financial Manager

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date March 18, 2003

Board's estimates appear reasonable.

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