

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-third Session  
April 4, 2005**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II at 1:57 p.m. on Monday, April 4, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Warren B. Hardy II, Chair  
Senator Sandra J. Tiffany, Vice Chair  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Dina Titus  
Senator Terry Care  
Senator John Lee

**GUEST LEGISLATORS PRESENT:**

Senator Bob Coffin, Clark County Senatorial District No. 10  
Assemblywoman Chris Giunchigliani, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Kim Marsh Guinasso, Committee Counsel  
Michael Stewart, Committee Policy Analyst  
Olivia Lodato, Committee Secretary

**OTHERS PRESENT:**

Neil A. Rombardo, Senior Deputy Attorney General, Office of the Attorney General  
Ande Engleman  
Daniel J. Klaich, Vice Chancellor of Legal Affairs, System Administration Office, University and Community College System of Nevada  
James T. Richardson, Nevada Faculty Alliance  
Lucille Lusk, Nevada Concerned Citizens

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Madelyn Shipman, Nevada District Attorneys Association  
Patricia Lynch, City Attorney, City of Reno  
Derek Morse, Regional Transportation Commission of Washoe County  
P. Forrest Thorne, Executive Officer, Board of the Public Employees' Benefits Program  
John Albrecht, General Counsel, Washoe County School District  
Rose E. McKinney-James, Clark County School District  
Coleen Lawrence, Division of Health Care Financing and Policy, Department of Human Resources  
David M. Smith, Management Analyst III, State Board of Parole Commissioners  
Scott Doyle, District Attorney, Douglas County  
Mary Henderson, City of North Las Vegas

Chair Hardy opened the meeting as a subcommittee. He said there was a large agenda dealing with the Nevada Open Meeting Law (OML). Chair Hardy introduced a matrix composed by Michael Stewart, Committee Policy Analyst ([Exhibit C](#), original is on file at the Research Library). He said the matrix took each bill on the agenda and compared the bill with the *Nevada Revised Statutes* (NRS). He said the matrix had a summary of proposed new language that could be compared and contrasted with each bill and the manner in which it dealt with the Open Meeting Law. Chair Hardy said he had asked two people to introduce background material for the Open Meeting Law.

Neil A. Rombardo, Senior Deputy Attorney General, Office of the Attorney General, said he had created an overview and Microsoft PowerPoint presentation of the Open Meeting Law. He said he would incorporate some of the possible changes that would occur if the current legislation was adopted. Mr. Rombardo recapped his presentation ([Exhibit D](#), original is on file at the Research Library). He said the term "deliberations" was an important topic in understanding the purpose of the OML. He stated the overall intent was to have all actions and deliberations occur in the open. Mr. Rombardo said the essence of the Open Meeting Law was to empower members of the public so they understood what their government was doing.

Mr. Rombardo continued his overview of the Open Meeting Law. He discussed who was legally considered a "public body" and who was not a "public body." He referred to NRS 241.015, subsection 3, which clearly stated the Legislature was not included as a public body. Mr. Rombardo discussed the terms public

body, action, agenda, closed meetings, enforcement and criminal penalties as noted in [Exhibit D](#).

Ande Engleman said from 1983 to 1995, she served as executive director of the Nevada Press Association, working with the late former Governor Donal Neil "Mike" O'Callaghan. Ms. Engleman recounted an incident in 1977 which caused a scandal in the State. She said a conference committee made the decision public bodies could not go behind closed doors to meet with their attorneys. She said a law was enacted, but there was an error in the language. She stated it was a misdemeanor to violate the OML. The Legislature tried to have the language removed, but they were not able to do so.

Ms. Engleman said the purpose of the Open Meeting Law was to make all actions, and the reasons for those actions, available to the public. She said the majority of the complaints concerning the Open Meeting Law were from the public sector. She said personnel sessions did not always have to be public; they were for the benefit of the person being discussed. She said if a person had a personal problem, it was not the public's right to know what that problem entailed. She said the OML intended all votes and actions were to be taken in the view of the public. She said she was concerned about public bodies going behind closed doors to discuss people and not held accountable for what had been said.

Ms. Engleman said confidential material was added to the exemption of the OML. She stated the Public Utilities Commission of Nevada had confidential orders that could not be made public. She finished her discussion by stating minutes should be released to the person discussed in a closed-door meeting. She mentioned the Committee should consider whether those minutes could then be released by the subject of the meeting. She said the law stated no minutes should be made public unless the Board and the person under discussion had agreed they could be released.

Chair Hardy discussed the matrix again for the Committee. He said page 1 of [Exhibit C](#) summarized new language that would be appended to the NRS. He said Senator Coffin's bill was contained in the new language version.

Senator Bob Coffin, Clark County Senatorial District No. 10, introduced his bill Senate Bill (S.B.) 83. He said the bill addressed a narrow problem that occurred

frequently with the Board of Regents of the University and Community College System of Nevada. He said his bill was a targeted piece of legislation.

**SENATE BILL 83**: Makes various changes relating to conduct of closed meeting by Board of Regents of University of Nevada to consider character, alleged misconduct, professional competence, or physical or mental health of person. (BDR 19-43)

Senator Coffin recounted an incident which occurred in southern Nevada concerning the Board of Regents and the Community College of Southern Nevada. He said a closed meeting was held that became a personnel meeting, but the subjects of the meeting were unaware that they were the subjects of discussion. Senator Coffin said in 1992, he requested a bill, which the Legislature passed in 1993, to address the problem of criticism of a public official in a closed-door personnel meeting. He said his bill would bring fair play into the process for people who were the subjects of closed personnel sessions. Senator Coffin said his bill was limited in scope in order to bring attention to a particular problem ([Exhibit E](#)). Senator Coffin stated in November 2003, reputations were ruined, lawsuits ensued and costs probably exceeded \$1 million. He said if care had been given to the rights of the people involved, the legislation being introduced would not have been necessary. He said he had been informed the Board of Regents had adopted a policy 15 months after the occurrence, but a statute to address the problem was still important.

Assemblywoman Chris Giunchigliani, Assembly District No. 9, said she was at the Committee meeting in support of S.B. 83. She said previous law should have covered the current problems. She stated A.B. No. 225 of the 71st Session should have covered the problems encountered with the Board of Regents. She said the bill made it clear concerning the issue of notification for a personnel session, and created an additional notice requirement under the Open Meeting Law. She said by statute and by intent, two notifications were required if a person was going to be a subject of a hearing. She said the Attorney General's findings said the Nevada Open Meeting Law manual clearly stated, in section 9.04, that closed meetings regarding an elected member of a public body were expressly prohibited. She stated Senator Coffin's bill was a restatement of the entitlement to notice and due process where the Open Meeting Law was concerned. She urged the Committee to consider passage of S.B. 83.

Chair Hardy said it was unfortunate such things had to be put in statute, but he recognized it was necessary. He said there was wide interpretation of what was in the Open Meeting Law. He said it was important to be as specific as possible in statute to eliminate misinterpretation of what may occur in a meeting. Chair Hardy stated S.B. 83 would probably be processed independently because it dealt with a separate set of issues.

Senator Lee asked Assemblywoman Giunchigliani if the bill applied to other boards. He said the bill appeared to apply only to the Board of Regents.

Assemblywoman Giunchigliani replied Senator Coffin chose to draft the bill in such a manner as to make it clear to the Board of Regents that they were the only board violating that portion of the Open Meeting Law. She stated all boards are covered under NRS 281.

Senator Coffin said other boards had adhered to the existing statutes. He stated the Board of Regents was the only board that consistently violated the rules. He said if the Committee saw fit to add language covering all public bodies, he would not object. He said the bill was drafted, as stated, because he wanted to target the issue.

Chair Hardy mentioned the Committee to Evaluate Higher Education Programs Subcommittee, of which he was a member, looked at the Board of Regents. He said the intent of the interim committee was to look at how the Open Meeting Law could be strengthened and clarified in all situations.

Senator Care stated it would be possible to craft specific statutes directed to specific bodies. However, he said he would prefer to cover all public bodies in the current laws. Chair Hardy said he agreed with Senator Care.

Senator Tiffany asked Mr. Rombardo his opinion on S.B. 83 and whether he believed the bill needed to be crafted to include all boards.

Mr. Rombardo responded his concern in drafting the bill to a specific group was statutory construction such that some bodies might say the rules were not intended to apply to all public bodies. He said the bill should address every public body.

Senator Tiffany asked Mr. Rombardo if the OML applying to all boards was already covered in statute. He replied he believed it was already covered, but the Board of Regents had ignored the law. He said the specific part of the statute allowed the person who was being considered to attend the closed meeting. He said the law was not clear on that issue; it was silent on that. Senator Tiffany said S.B. 83 was more detailed than what was currently in statute.

Chair Hardy said one of the issues dealt with in the interim study was an effort to make sure the law was clear and there would be no question as to how it applied to public bodies. He said S.B. 83 was clear and provided the kind of clarification needed in the law.

Assemblywoman Giunchigliani said there had been discussion that an Attorney General should be assigned to the Board of Regents. She said their regular attorney could handle other situations that were personnel-driven.

Senator Coffin closed his remarks to the Committee with a compliment to Senator Townsend. He said Senator Townsend had attended nearly every meeting of the Board of Regents for the past year and a half.

Chair Hardy said because S.B. 83 dealt with a separate set of unique proposals, the Committee would treat it as a separate hearing. He asked for any further testimony for or against S.B. 83.

Daniel J. Klaich, Vice Chancellor of Legal Affairs, System Administration Office, University and Community College System of Nevada (UCCSN), said he was in support of S.B. 83. He said the broader application of the bill, as had been discussed, was appropriate. He requested the Committee consider the bill as appropriate for all public boards.

James T. Richardson, Nevada Faculty Alliance, said he agreed with Mr. Klaich and the Committee concerning S.B. 83.

Chair Hardy closed the hearing on S.B. 83 and opened the discussion on S.B. 267.

**SENATE BILL 267**: Makes various changes regarding Open Meeting Law.  
(BDR 19-77)

Senator Care discussed hypothetical and existing case law that had arisen. He said the standard ought to be all meetings are open unless there was a reason public disclosure produced public hardship. He said embarrassment or uncomfortable feelings were not a reason to ever close a meeting. He said meetings were for the benefit of the people who funded the government. He said he recognized a person's constitutional right to privacy could arise in a situation that involved a person's mental or physical health. Senator Care said the public had the right to observe the government at work.

Chair Hardy said S.B. 244 did not have any new or proposed new language. He said he endeavored to provide clarification to the existing Open Meeting Law.

[SENATE BILL 244](#): Makes various changes regarding Open Meeting Law.  
(BDR 19-344)

Chair Hardy said the State had a good Open Meeting Law. He said he did not think the Open Meeting Law needed overhauling. He stated there were points of clarification that were critical. It was not the intent of the interim committee to be critical of the interpretations made by the Board of Regents. He said clear, specific, unmistakable guidelines were needed for Open Meeting Law.

Senator Tiffany asked Senator Care why he thought private people should be given the authority to sue under the Open Meeting Law. Senator Care responded a private citizen had standing and, as a member of the public, had an interest in observing the Board. He said if the private citizen saw a violation of the Open Meeting Law and did not receive satisfaction or remedy by the Board, the citizen had redress to the courts.

Mr. Rombardo stated Nevada had the best Open Meeting Law in the country. He said the intent of the Office of the Attorney General's bills was to make the law stronger and to clarify any questions. He said the Attorney General wished to strengthen the Open Meeting Law through subpoena powers to increase its effectiveness.

Chair Hardy added another introductory remark regarding the matrix. He said S.B. 115 had been referred to the Senate Committee on Transportation and Homeland Security because it dealt with the Open Meeting Law in relation to homeland security issues.

Chair Hardy said the first item of new language was in S.B. 267. He said it added language to chapter 241 of NRS. Chair Hardy read the added language which provided privilege for statements any member of a public body made during a public meeting, [Exhibit C](#).

Senator Care said he would discuss section 1, subsections 1 and 2, of S.B. 267. He said section 1, subsection 1, codified what was probably the "law of the land" known as absolute immunity. He said any legislative branch, including county commissioners or city councils, was granted immunity while deliberating at a public meeting. He said members of Congress already had that immunity. He said the idea behind the language was to encourage robust, open and free debate. Senator Care stated subsection 2 of S.B. 267 was intended to grant the same immunity to any person who testified before a public body. He said the testifier could "not knowingly utter a false statement of fact."

Senator Raggio said he needed clarification on the bill. He said witnesses who appeared before legislative committees were considered under oath. He asked how the bill would change the statute. Senator Care said the statute Senator Raggio referred to was chapter 218.5345 of NRS. He said that language said it was unlawful to knowingly misrepresent any fact. Senator Care said the statute referred to perjury, which was a criminal matter. He said the language change in S.B. 267 referred to civil liability.

Lucille Lusk, Nevada Concern Citizens, said she understood and respected Senator Care's purpose, but the distinction between the immunity provided to a member of a public body and to a citizen was bothersome. She said she realized the intention was not to provide immunity for lying. Ms. Lusk stated the absolute immunity would provide the ability to misrepresent without accountability. She said the purpose of public bodies was to protect the citizens, not to protect the government from the citizens. She said people sometimes said things they should not have said. Ms. Lusk stated elected officials should be held to the same standard as the citizens.

Senator Care said he had a copy of the NRS statute which granted citizens absolute immunity when testifying before the Legislature. He said he would be satisfied elevating qualified immunity to absolute immunity to any person testifying before a public body. He stressed immunity was granted only while testifying or engaging in public discussion during a meeting of the public body.

Ms. Lusk said, even in a public body, a certain amount of decorum and reason should prevail. She said the immunity granted to a public official should not be greater than that granted to a citizen in the same setting.

Senator Care responded by saying there was a policy issue involved in the discussion. He said members of the public might want to make certain statements or comments but were afraid to say them.

Ms. Lusk stated the citizen cannot knowingly lie without consequences. She said the same standard should apply to elected officials.

Senator Raggio said he was concerned that by putting language in that affected every public body, there needed to be some reasonable limitations as to what a public body could impose. He said there was potential for abuse of meetings and for irrelevant discussion as the bill was written. He asked if the language sent a signal that there were no limits as to what a person could say, do or act in front of a public body. Senator Raggio asked if a public body would be allowed to impose time limits.

Senator Care responded to Senator Raggio's questions by saying the time constraints were a different issue. He said there was a provision in the Open Meeting Law that discussed removal of disruptive people. Senator Care also said the language in the statute that applied to witnesses who appeared before a legislative committee stated the matter had to have some relation to the proceeding.

Chair Hardy opened the discussion on Senate Bill 416.

[SENATE BILL 416](#): Revises provisions governing violations of Open Meeting Law. (BDR 19-102)

Chair Hardy referred to page 1 of [Exhibit C](#) for the summary of one of the provisions of [S.B. 416](#) that "Requires the Attorney General to post, on the Internet website for the Office, a list of each public body or person against whom the AG has, in the immediately preceding 2 years, been a successful plaintiff in two or more suits brought under subsection 1 of NRS 241.037."

Mr. Rombardo stated the purpose of [S.B. 416](#) was to inform the public which public bodies the Office of the Attorney General had been having problems with

in regard to the Open Meeting Law. The second purpose of the bill was to bring public bodies into compliance because they would not want to be on the list ([Exhibit F](#)).

Senator Care asked Mr. Rombardo if the information was public, even if it were not published on the Internet. Mr. Rombardo replied if the Office of the Attorney General went to trial and was successful, the litigation would be public information.

Madelyn Shipman, Nevada District Attorneys Association, said she had a concern about enhanced penalties and civil liabilities in S.B. 416. Ms. Shipman stated being on the Web site would not be prima facie evidence.

Mr. Rombardo said Ms. Shipman was correct; it would not be prima facie evidence that a previous violation had occurred. He said it would be necessary to have a judgment or order from the court stating a first violation had occurred and now was proceeding to a second violation within the last two years.

Senator Tiffany said it was unusual to have complaints listed on a Web site. She asked Mr. Rombardo why the Office of the Attorney General asked for the posting to be on a Web site. He responded they wanted to make the information more available to the public.

Senator Tiffany inquired about the length of time the posting would be on the Web site. Mr. Rombardo replied the listing would be posted for two years after the second violation. He said it would be a rolling calendar. She asked him if a process was currently used to inform the public of violations. Mr. Rombardo replied there was not.

Chair Hardy inquired what a successful plaintiff entailed. He asked if it were a finding of guilt or a plea bargain. Mr. Rombardo replied if the Office of the Attorney General went to court and was successful getting something voided, or an injunction against a public body, under the provisions in the law, they would be a successful plaintiff.

Chair Hardy asked the Committee if further discussion was needed. He said he would like to continue the discussion on page 2 of [Exhibit C](#). He said this section contained information on NRS 241.015 and noted, where it was shaded

on the matrix, the language in S.B. 244 and S.B. 267 agreed with the language in NRS 241.015. He asked Senator Care to comment on that section of the bill.

Senator Care said the subject had been thoroughly discussed during the interim. He said he recalled Interim Chancellor James E. Rogers had some reservations about the language concerning when he could meet publicly and when he could not.

Chair Hardy said the area under discussion would codify what was done in practice. He said Senator Care's bill also changed references from quorum to majority throughout the statute.

Senator Care asked Chair Hardy to strike those references in S.B. 267.

Senator Raggio requested clarification on deleting language in the two bills referenced on page 2 of the matrix where it referred to receiving information from the body's legal counsel.

Senator Care said the question arose when the Board of Regents tried to settle the lawsuit filed by the former president of the Community College of Southern Nevada, Dr. Ron Remington. He said the reason for the language involved when an open meeting could occur and when a board could have a closed meeting to advance settlement discussions. He said the attorney-client privilege could not be used as a means of abusing the Open Meeting Law. He said there could be an occasion when a meeting concerning a settlement issue needed to be held behind closed doors.

Mr. Rombardo said he remembered the discussion. He said he had been asked how such a situation was handled in practice. He said a public body often listed on the agenda that they would confer with counsel in a closed meeting. He said the Office of the Attorney General recommended the notification be placed on the agenda to discourage adverse discussion by the public and to avoid the appearance of impropriety.

Ms. Shipman said she would like to clarify some of the points she had heard. She said her organization would like the law to remain as currently written. She said if an action were taken by a public body, such as settling a lawsuit, the action would be placed on the agenda. She stated there had been many lawsuits in Washoe County over regional planning decisions. She said she did

not believe public bodies normally put nonmeeting announcements on their agenda, but the action ultimately taken at the nonmeeting was placed on the agenda. Ms. Shipman said posting a special meeting notice, for a meeting with counsel with the statutory reference, would accomplish the same thing as S.B. 244 proposed. She acknowledged a cost would be involved noticing the people on the list who might have requested notification. She said if the closed meeting was to occur during a regular meeting, posting the notice on the agenda would not be a problem.

Chair Hardy asked Ms. Shipman to provide any language she could for incorporation within the proposed legislation.

Mr. Rombardo stated that any action had to be done at an open meeting. He said all the commissioners or board members would have to be at the board meeting. He said the law required the action be taken in public.

Chair Hardy stated the language might be too extreme where it mentioned a briefing can occur in private.

Ms. Shipman said an action to agree to a settlement was done in public. She questioned whether Mr. Rombardo was suggesting the collective direction to counsel to proceed in a certain manner had to be done in public. She said she would strongly disagree with that suggestion.

Chair Hardy stated Mr. Rombardo was not implying counsel was not allowed to make strategy decisions in private.

Senator Raggio said he had been an attorney for a public body when he was a district attorney. He said strategy decisions were not made in public. He said to allow a public body to receive information and advice from their attorney in a public meeting would put the public at risk. He said strategy or the action in a settlement should not be discussed in the open meeting.

Chair Hardy said it was not the intention of the interim committee to imply counsel had to discuss strategy in the open meeting. He said the intent was to codify, in statute, that such things could occur in private, but the action had to be taken in public. He said the bill appeared to not have been drafted in the manner intended by the committee.

Patricia Lynch, City Attorney, City of Reno, said she had provided the Committee with written testimony ([Exhibit G](#)). She said Reno City Council met on Friday and agreed to oppose the revisions suggested on page 2 of [Exhibit C](#) in [S.B. 244](#) and [S.B. 267](#). She said the law, as it currently exists, is appropriate. She agreed all actions should be taken in public. She said, on occasion, it would not be possible to post agendas three days ahead of actions in certain litigation areas. She said if the language was adopted about naming the person and/or identifying a person within a certain time frame, it could complicate litigation. Ms. Lynch said, under the law, the notification process would stretch out too far.

Chair Hardy said deliberating toward the decision needed to be done in public. However, the briefing could be done in private. He said the Committee would be interested in any language Ms. Lynch and Ms. Shipman could provide to make the intent of the bill more clear.

Senator Raggio said everyone agreed the final action had to be done in an open meeting. He was concerned about the talk about deliberations in public.

Derek Morse, Regional Transportation Commission of Washoe County, said time was of the essence in many cases, not only with the courts, but with private parties when trying to reach a settlement. He stated he would encourage the Committee to retain in law the ability for public bodies to respond in a timely manner through their attorneys.

Chair Hardy said he would ask staff to review the minutes of the interim committee discussions to clarify the intent of the committee. He said his intent was consistent with the discussions being heard at this time.

Ms. Shipman said the proposed language in [S.B. 244](#) and [S.B. 267](#) allowed for a closed session and for a board to consider and deliberate while in closed session. She said her organization did not object to that language. She said actual deliberation on a strategy approach or settlement approach would not take place in a public forum. The decision would take place in public.

Mr. Rombardo said, as the law was currently written, a board could consider and deliberate in private. He said the Office of the Attorney General was not in support of the new language. His office preferred the way the statute was currently written.

Ms. Lynch said the body made the decisions rather than the attorney. She said the public body should be making the decisions not the lawyers.

Chair Hardy opened the discussion on the new language from the Office of the Attorney General in Senate Bill 465.

[SENATE BILL 465](#): Makes various changes regarding meetings of public bodies.  
(BDR 19-103)

Chair Hardy said the interim committee could not reach a consensus or make a decision on the definition between "consider" and "deliberate." [Exhibit C](#), page 2, shows the Office of the Attorney General suggested the term "consider" should mean the collective acquisition of facts; the term "deliberate" should mean to examine, weigh or reflect upon the reasons in favor of or against a decision. Chair Hardy asked Mr. Rombardo if there was an error in the language in S.B. 465. He replied the matrix, [Exhibit C](#), was in error; the word "deliberate" would include collective discussion or exchange or opinions preliminary to an action. Chair Hardy said the interim committee could not reach an agreement with these terms.

Senator Raggio asked where the definitions originally came from and if they had been used in another context. Chair Hardy replied the terms were used throughout the statute.

Mr. Rombardo replied the definitions were from case law. The definition for the term "consider" was from case law and also the dictionary definition ([Exhibit H](#)).

Senator Raggio said it appeared if a person were in a closed meeting hearing presentation and asked a question, that person would be guilty of deliberation. He said, in a discussion, a person usually stated an opinion and then asked a question. He said there was potential for a lot of damage as the bill was currently written.

Chair Hardy said the majority of the confusion and the problems with the Board of Regents was because the statute mentioned the terms "consider" and "deliberate" without providing any definition.

Ms. Lusk said it was exceedingly important to have definitions for the terms "consider" and "deliberate." She stated Senator Raggio had expressed her

concerns about these specific definitions. She said attorneys for some public bodies had interpreted the Open Meeting Law so tightly that two members believed they could not talk to one another about policy proposals. She asked the Committee to clarify and give guidance that individuals could talk to each other.

Mr. Klaich said he would be happy to participate in any work sessions the Committee had planned. He said UCCSN worked closely with the Office of the Attorney General in trying to work out these issues. He said few questions were allowed in personnel sessions. He said he advised boards to ask for clarification of information given, but the questions may not be expanded upon.

Chair Hardy said the majority of the interim committee agreed the definitions were onerous and difficult, although the definitions were what the Attorney General was using at this time. He said by doing nothing, the definitions would remain as the status quo.

Senator Care referred to a Nevada Supreme Court case, *Dewey v. Redevelopment Agency of the City of Reno*, (2003), in which the Court attempted to define the term "deliberation." The Court cited a dictionary definition in which the term "consideration" was included within the definition of deliberation.

Senator Raggio said the sensible solution to the problem was to state a board was allowed to "consider" something and ask questions for information. He said the current proposals were too precise.

Mr. Rombardo said the interpretation the Office of the Attorney General used allowed questions, as many as were necessary or needed. He said a board acquired facts by asking questions.

Senator Raggio said it needed to be made clear that questions were permissible in a closed meeting session. He said the term "consider" had to mean something other than "deliberate."

Mr. Richardson stated elected members of a body had to be able to ask questions in a closed meeting. He stated he had another concern on behalf of faculty members who might find themselves the subjects of Board of Regents' hearings. He said closed personnel meetings should protect people being

discussed at the meeting. He said not all of the matters in a closed personnel session should be discussed in the open meeting.

Chair Hardy asked Mr. Rombardo if the Office of the Attorney General was withdrawing the second portion of S.B. 465, which referenced adding language providing that a public body included nonprofit corporations as shown on page 2 of Exhibit C. Mr. Rombardo replied Chair Hardy was correct.

Chair Hardy opened the discussion of NRS 241.020 as it related to S.B. 244 and S.B. 267 on page 3 of Exhibit C. He said both of the bills provided similar language that said an agenda of a meeting of a public body had to provide the name of a person subject to a closed meeting. Chair Hardy said he recognized some people should be exempted from that requirement. He said there were compelling reasons why some individuals should not have to comply. He requested written exceptions be submitted to the Committee for discussion in a work session.

P. Forrest Thorne, Executive Officer, Board of the Public Employees' Benefits Program, said under statute, the Public Employees' Benefits Program Board had the authority to take administrative action in the form of deciding an appeal by a participant who was unsatisfied with the results of a claim review, *Nevada Administrative Code 287.690*. Mr. Thorne stated the appeals were heard in a closed session of the board. He said the statute directly contradicted requirements under the Health Insurance Portability and Accountability Act of 1997 (HIPAA). He said, under HIPAA, the Board was prohibited from publishing the name of a participant. Mr. Thorne said it was considered protected health information. He stated when appealing a claim to the board, a notice with the name included would violate HIPAA requirements.

Chair Hardy reiterated HIPAA was a prime example of the problem. He said the intent was to make sure the name of a public official, or an appointed employee, would be listed on the agenda. He said the exceptions needed to be noted individually.

Senator Care said if there was a closed hearing, the public had the right to know whom the hearing concerned. Chair Hardy asked him if the intent was to go beyond a public official or an appointed employee.

Senator Care said he recognized the constitutional right to privacy. He said the higher someone went in the public eye, the less privacy that person would have. He said a university president or city manager had less of a right to privacy.

Mr. Thorne responded by saying regardless of the level of the individual, unless that individual chose to release the information, the public had no right to know about their medical claim. He said that was in HIPAA.

Senator Care said medical information—physical and mental—would be recognized as a right to privacy.

Chair Hardy reiterated his request for written justifications from all parties for discussion in a work session.

John Albrecht, General Counsel, Washoe County School District, said he had submitted written testimony ([Exhibit I](#)). He said an exception should be made for students under the Family Educational Rights and Privacy Act (FERPA). He identified two existing exceptions: one, in NRS 392.467, subsection 3, for children subject to suspension or expulsion, and the second in NRS 395.030 for special education students involved in a private school placement. He said it would violate FERPA to put the child's name on the agenda and violate the child's right to privacy.

Rose E. McKinney-James, Clark County School District, said the Clark County School District general counsel, Mr. Bill Hoffman, had conversations with Mr. Albrecht. She stated Mr. Albrecht voiced Clark County's concerns as well as Washoe County's concerns. She said there was a potential for violations of FERPA. Ms. McKinney-James said she would submit objections in writing as requested by Chair Hardy.

Senator Lee asked Mr. Albrecht about schools mandating the wearing of uniforms. He said some students failed to wear the exact required uniform and were subsequently expelled from school. He asked Mr. Albrecht how that would impact a student and the administration who had reached an impasse on an issue. Mr. Albrecht replied that in Washoe County, such a dispute would allow the child or his parent to file a grievance with the school. He said the issue could ultimately be heard by the school board and would be subject to the Open Meeting Law.

Chair Hardy said, unlike S.B. 244, Senator Care's bill, S.B. 267, had not included a closed meeting for discussion of character, alleged misconduct or incompetence. He asked Senator Care if that was his intent.

Senator Care responded by saying people who agreed to accept high-profile positions should not be able to shroud themselves in privacy at certain convenient times. He said, as an example, if there was a hearing on job competence, university presidents, city and county managers and fire chiefs were public figures who had volunteered for their positions.

Chair Hardy mentioned page 3 of [Exhibit C](#) cited another example where S.B. 244 and S.B. 267 were exactly the same.

Ms. Shipman said the intent was evident in the bill, but the wording said the material must be provided. She said her concern was if some of the material was not provided by omission or lack of time. She preferred to change the words "must be provided" to the words "made available."

Ms. Engleman said the provision was put into law under former Senator Ann O'Connell in response to complaints from the public in Clark County when they were unable to get the materials.

Chair Hardy read, on page 3 of [Exhibit C](#), the clarifying section of S.B. 267 that differed from S.B. 244.

Senator Titus said at one time in Clark County when the Board of Regents was having hearings, the people under investigation were unable to get information. She asked if Senator Care's bill would cover that problem. She said if some personnel meetings were going to be closed, she wanted the person being investigated to have access to all the available information. Chair Hardy said there were provisions for such people to attend the closed meetings.

Mr. Rombardo said if the information was not proprietary, it had to be given to the requester.

Chair Hardy continued the discussion of NRS 241.030 on page 4 of [Exhibit C](#). He said this section related to reasons why a meeting might be closed. Senate Bill 83 had a small technical change in language. He said S.B. 244 and S.B. 267 had several similarities; they dealt with closed-meeting issues

uniformly with the exception of the noted comments. He read the first section of page 4 from [Exhibit C](#). Chair Hardy asked Ms. Guinasso to explain the conflict in this section.

Mr. Rombardo said by removing the language from the statutory definition of meeting, it became a nonmeeting, a complete exemption from the definition of meeting. He said it meant a public body could meet with its lawyer, as an entire quorum, and the public body could deliberate in that session. However, he said, the public body could not take any action. He said by moving the section to NRS 241.030, it became a closed meeting which required satisfying the noticing requirement and was more restrictive than it had been.

Chair Hardy said it would remain a closed meeting but needed more notice. He said the second change on both bills enabled the person, whose character was being discussed, to waive the closed meeting, thus requesting the meeting be held in public.

Mr. Rombardo asked Chair Hardy if the intent was that the person under discussion could also attend the closed meeting. Chair Hardy replied he was correct. Mr. Rombardo suggested the language be added to the bill to avoid confusion.

Kim Marsh Guinasso, Committee Counsel, said she was not sure if the change was a necessity in drafting the bill or if it was considered part of the request for the bill draft. Chair Hardy replied the change was probably part of the request as understood by the bill drafters. Chair Hardy said the minutes of the interim committee needed to be reviewed.

Ms. Lynch said if it were included as a nonmeeting, it could be analogized to labor sessions, which are exempt from the Open Meeting Law. She said any final actions had to come back to the body in an open meeting.

Mr. Rombardo asked Chair Hardy if the intent of the bill, concerning the person under discussion in a closed session, was to allow the person to attend that closed meeting. Chair Hardy responded that was correct. Mr. Rombardo recommended a language addition to the bill stating the subject of a discussion would be able to attend the closed session of the meeting.

Senator Care said that was the intent and added that the subject of the closed session could request the meeting become an open meeting.

Chair Hardy continued citing the similarities between S.B. 244 and S.B. 267 from page 4 of [Exhibit C](#). He referenced the requirement that a public body's motion to close a meeting must cite the statutory authority under which the meeting was closed. He said it was for clarification.

Chair Hardy next referenced S.B. 415 and said it was a bill requested by the Division of Health Care Financing and Policy.

**SENATE BILL 415**: Authorizes public bodies to hold closed meetings for certain purposes relating to examinations. (BDR 19-100)

Chair Hardy said the bill addressed the public body to hold examinations, revise and grade examinations in a closed meeting. He said the bill also allowed the public body to hold a closed meeting to consider an appeal of the examination.

Mr. Morse stated there were differences between S.B. 244 and S.B. 267; they were not completely consistent. He said S.B. 267 amended NRS 241.030 and changed the types of things that could be considered in a closed hearing. He said the principles of human resource management dictated that performance appraisals were not given in a public setting. He said the Regional Transportation Commission (RTC) of Washoe County did not do public performance appraisals for any of its employees. He said the RTC would prefer some exemptions and qualifying language be placed in the bill.

Senator Care stated he disagreed with Mr. Morse's position. He said public executives should be willing to have public appraisals. He said the public was entitled to hear, publicly, any evaluation of their performance.

Mr. Rombardo said S.B. 415 was a clarification for boards to draft and grade exams in a closed meeting.

Senator Care said a provision in S.B. 415 stated the public body could decide when confidentiality was no longer required. He referred to section 3, subsection 2, paragraphs (b) and (c) of S.B. 415.

Mr. Rombardo said the intent of the bill was to protect the people who took the examinations. He said the examinations and the results were public knowledge, but the actual names of the people taking the tests were not.

Ms. Engleman requested a recording of any closed meeting be made and kept for the Attorney General's Office. She said it would provide a check and balance for government.

Mr. Rombardo said Ms. Engleman's request fit into the current closed-meeting statutes, and the meeting would be required to be recorded.

Chair Hardy opened the discussion on S.B. 420. He said the bill had been requested by the Division of Health Care Financing and Policy.

**SENATE BILL 420**: Authorizes Drug Use Review Board to hold closed meetings for certain purposes. (BDR 19-172)

Chair Hardy said the bill was requested to allow the Drug Use Review Board to hold closed meetings. He asked why those meetings needed to be closed.

Coleen Lawrence, Division of Health Care Financing and Policy, Department of Human Resources, said S.B. 420 allowed the Division of Health Care Financing and Policy to hold a closed meeting for the Drug Use Review Board so all information remained confidential and not subject to public record ([Exhibit J](#)). She said the bill would prevent confidential information from disclosure to the public.

Chair Hardy said the bill went beyond just a closed meeting. The bill provided that material and information received was not subject to discovery, subpoena or inspection by the general public. He asked Ms. Lawrence for an example of why such nondisclosure was necessary. She replied the Division might be examining someone's narcotic abuse within the State. She said until there was an actual investigation, it was not possible to know the circumstances surrounding the case. She stated it might be a patient with terminal cancer who was required to have that much medication. She said the Division was protected, under HIPAA, because of personal medical information. Chair Hardy asked her if the bill went beyond the requirements of HIPAA.

Senator Titus asked if the federal government required the confidentiality proposed in S.B. 420.

Ms. Lawrence stated it was required, under federal regulation, to have a Drug Use Review Board. She said language from the Social Security Act was read in her testimony. She said confidentiality was protected under HIPAA, but she would have to check with the Attorney General for clarification under federal law.

Chair Hardy opened discussion on S.B. 423. He read the description on page 4 of [Exhibit C](#) concerning this bill.

**[SENATE BILL 423](#)**: Revises provisions relating to certain meetings and hearings concerning prisoners and persons on parole and probation. (BDR 19-242)

David M. Smith, Management Analyst III, State Board of Parole Commissioners, Department of Public Safety, said the Parole Board conducted two types of meetings. He said meetings which were administrative, policy or regulatory would be subject to the Open Meeting Law. He said parole hearings were not subject to the Open Meeting Law. Mr. Smith stated a statutory provision, already in NRS 213, required policy hearings be subject to the Open Meeting Law. He said there was a brief period of time when the Attorney General advised the Parole Board hearings were subject to the Open Meeting Law. Because the Parole Board conducted approximately 7,500 hearings on inmates a year ([Exhibit K](#)), Mr. Smith said it would be difficult to meet the requirements of the Open Meeting Law. He said the bill asked to exempt four specific sections from the Open Meeting Law but would remain open to the public in a similar manner as a court was open to the public. He said the only area completely exempted would be the psychological panel hearings noted on page 2 of [Exhibit K](#).

Chair Hardy asked Mr. Rombardo if the Office of the Attorney General was in support of S.B. 423. He replied the office was in support of the bill.

Senator Care had a question on behalf of a constituent. He said he had been informed a father was denied access to a hearing for a juvenile who had assaulted his underage daughter. He asked Mr. Smith if the bill would allow the father to attend the hearing. Mr. Smith replied the father would be able to

attend. He added, pursuant to statute, the family members of the victim were considered victims by statute.

Chair Hardy continued the discussion using the matrix, on page 5 of [Exhibit C](#), which referenced NRS 241.031. He said this section dealt with the consideration of character misconduct. He referred to the sections in [Exhibit C](#) where [S.B. 244](#) and [S.B. 267](#) were similar.

Senator Care said he wanted the Open Meeting Law to apply when people were interviewed for positions that were highly-visible public jobs. He stated he preferred the interviews for such jobs be done in a public manner from the beginning of the formal interview process.

Chair Hardy asked Senator Care if applications for jobs would also be public. He gave an example of hiring a new athletic director at a university where applicants might be hesitant to apply if they knew their application was going to be public. He wanted to clarify the bill only asked that the actual interview be subject to the Open Meeting Law.

Mr. Richardson said there was an issue involved concerning the Open Meeting Law and applications for prominent positions. He said some people would not apply for positions in Nevada because of the Open Meeting Law and the way it was applied here. Mr. Richardson stated he believed in open government, but he said there was a concern about top people applying for jobs when it could jeopardize their current position. He said, on behalf of faculties within the system, he wanted that concern on the record.

Senator Care stated it was a policy debate and the interview process itself should be held in the open.

Mr. Richardson stated the way a search was usually conducted, the last few candidates were interviewed in public. He said his concern was how far down the process the resumes and names of all the applicants were made public. He agreed, when the final three or four candidates were named, everyone should be involved: the public, students, faculty and regents.

Mr. Albrecht indicated potential for violations of both the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. He said section 5 of

S.B. 267 broadened the hearing that must be open to the public. He said there was a proposed amendment to S.B. 267 on page 3 of [Exhibit I](#) in his testimony.

Chair Hardy referred to S.B. 465 on page 5 of [Exhibit C](#). He asked Mr. Rombardo to address the Office of the Attorney General's position with relation to S.B. 244 and S.B. 267.

Mr. Rombardo said the major difference between the bills was S.B. 465 added language that in a closed meeting no elected official could be discussed. Unfortunately, he said the statute read "an elected member of a public body," and the Legislature was exempted; he said a closed meeting was held where a Legislator was discussed. The bill clarified that anyone elected to a public office may not be discussed in a closed meeting.

Chair Hardy moved the discussion to page 6 of [Exhibit C](#). He compared the similarities in NRS 241.033 with S.B. 244 and S.B. 267. The two bills both required written notice to a person who was the subject of a closed meeting, and page 7 of [Exhibit C](#) clarified that tangential references did not constitute consideration of the character of that person. Further similarities between the two bills were referenced in NRS 241.035 which provided that minutes of closed meetings were only to become public record when the body determined the information received no longer required confidentiality. Chair Hardy stated when the Committee did a work session, the alternatives would be outlined and a general public policy discussion would be held.

Ms. Engleman asked Senator Care where the vote of the body would occur: behind closed doors or in public view. He responded the question was whether the decision was by the chairman of the Committee or a vote of the members. He said the vote was in the open.

Mr. Rombardo said S.B. 465 embodied the language that Chair Hardy and Senator Care adopted in their respective bills. He said it was the intent of the Office of the Attorney General to resolve issues that arose out of the Board of Regents case by allowing the public body to vote in an open meeting on who could attend a closed meeting. He said the intent was also to ensure any people similarly situated were noticed for the same closed meeting; all the people had to be able to attend or none of them could attend. Mr. Rombardo asked Chair Hardy if the decision should be left to a public body or conferred as a right

for the person who was under discussion to attend the meeting. He said, as currently drafted, the bill designated the public body to decide.

Chair Hardy responded it was a policy issue the Senate Committee on Government Affairs needed to discuss.

Chair Hardy reviewed the other bills listed on page 7 of [Exhibit C](#). He said S.B. 415 had already been discussed, S.B. 420 dealt with the minutes of a closed meeting with regard to the Drug Use Review Board, S.B. 421 dealt with audio recordings as discussed earlier and S.B. 465 dealt with the terms "consider" and "deliberate."

Chair Hardy continued the discussion, on page 8 of [Exhibit C](#), concerning NRS 241.037 as it related to S.B. 267 and S.B. 416. He asked Mr. Rombardo to discuss S.B. 416 in regard to court actions.

Mr. Rombardo said the section of S.B. 267 dealt with repeat offenders of the Open Meeting Law. He said it would provide for attorney fees and court costs if the Office of the Attorney General was a successful plaintiff. He said it also provided for payment of fees and court costs if there was a second violation within a two-year period. He said civil penalties were incorporated in this section of S.B. 416 for violations of the Open Meeting Law.

Ms. Shipman said one of the concerns the District Attorneys Association had was the bills contained remedies for the Office of the Attorney General but did not appear to make sure attorneys' fees were available to private citizens when they sued the public body over the Open Meeting Law. She said she had grave concerns about the broadness of the language and about the entity or the person in regard to violations of the Open Meeting Law. She asked if unintended violations were to be treated at the same level as one with a governing body or planning commission.

Senator Care said the last Legislative Session created the interim Committee to Evaluate Higher Education Programs. He said during the interim, violators of the Open Meeting Law always seemed to be the Board of Regents. He stated Senator Townsend created a subcommittee to delve into the Open Meeting Law. Senator Care said some vehicle was needed to ensure accountability.

Chair Hardy said some of the problems were unclear statutes which led to diverse interpretations of the law from one particular agency.

Senator Lee said he was concerned about the smaller boards. He doubted some of them would be able to pay the fines if required. He was also concerned about the language concerning a person's liability for a civil penalty of not more than \$5,000 for each act, as noted on page 8 of [Exhibit C](#). He asked if that wording would discourage a less-affluent person from running for a board or position.

Ms. Shipman said a person on a committee who violated the Open Meeting Law would be liable and subject to the fine. Senator Lee asked if the person could not pay the fine, could an alternative to the fine be to remove them from office.

Mr. Rombardo said the intent of the Office of the Attorney General was to strengthen the law. He said their only recourse was to have an action voided, get an injunction or prosecute someone criminally. He said a criminal prosecution had only happened once in Nevada. He said, at this time, repeat offenders who continued to violate the Open Meeting Law only had their actions rendered void. He said they could post another notice and, within three days, take the action again. He said the issue was a repeat offender who continued to offend the law and ignore the voided action or injunction.

Senator Lee asked Mr. Rombardo about removing the offenders from office as a remedy to repeated offenses. Mr. Rombardo replied a statute already said the repeat offenders could be criminally prosecuted. He said the statute was written in a way that such a prosecution could only happen in a criminal case, and criminal cases were rare. He said if the entire public body continued to violate, as was the case with the Board of Regents, it would be a drastic step to remove all of the Board members from office.

Ms. Engleman said, from the press' perspective, people were never thrown out of office for violating the Open Meeting Law, with the one exception. She said the way the law was written, a public body could say its attorney had said their actions were acceptable. She said [S.B. 416](#) was the first bill in which penalties were expressly stated for violating the Open Meeting Law. Ms. Engleman offered an amendment to the bill. She stated, in the law, the Attorney General had 60 days to take action from the time of the violation of the Open Meeting Law. Ms. Engleman requested a time change from 60 days to 120 days, and then allow 240 days for the Office of the Attorney General to take action.

Ms. Shipman said the language, as written, allowed the Attorney General, based on testimony, to make a determination on a case-by-case basis as to how egregious the violation. She said the language had too much leeway, in the opinion of the district attorney's office, as a policy matter.

Ms. Lynch commented on the portion of S.B. 267 giving any Nevada resident the right or standing to sue on a perceived Open Meeting Law violation. She said the City of Reno had a problem with frivolous law suits. She said a filter to keep such actions out of court was good.

Mr. Rombardo responded to Ms. Shipman's comments about the determination of a violation by the Attorney General; he said it was actually a judicial decision. He said discretion was always a part of an enforcement agency.

Mr. Klaich said language in S.B. 244 and S.B. 267 allowed the Attorney General to interpret and administer the Open Meeting Law. He asked if the intention was to allow the Attorney General to promulgate regulations.

Senator Care said he did not care whose bill was used to introduce a filtering process. He stated some mechanism was needed to guarantee the Open Meeting Law was not violated. He said the Committee could delete the section of S.B. 267 that referred to the private citizen.

Chair Hardy stated the next item of discussion was NRS 241.040, as it related to S.B. 6, shown on page 9 of [Exhibit C](#). He said the bill gave the Office of the Attorney General the authority, by subpoena, to require the testimony of witnesses and documents as necessary to enforce the Open Meeting Law.

**SENATE BILL 6:** Grants subpoena power to Attorney General to enforce Open Meeting Law. (BDR 19-101)

Mr. Rombardo said the bill allowed the Office of the Attorney General to proceed with investigations and required people to answer their questions in a truthful manner.

Ms. Shipman said her concern with S.B. 6 was investing the Attorney General with the power, through the subpoena power, to coerce testimony from a person the Attorney General might ultimately bring a criminal action against. She said to give the subpoena power essentially meant testimony was given

under threat of contempt. Discussions started off under contentious conditions rather than as a cooperative process. She said the Nevada District Attorneys Association was opposed to S.B. 6.

Scott Doyle, District Attorney, Douglas County, asked the Committee if they had a copy of his letter dated February 23, 2005 ([Exhibit L](#)). He said he wanted to supplement the letter with a comment. In addition to the cohesive policy issue referred to by Ms. Shipman, he said an inherent conflict existed in investing the Attorney General with subpoena powers. He added the Legislature needed to form a subcommittee to study Open Meeting Law enforcement and determine the actual need for the remedies and procedures considered.

Chair Hardy opened discussion of S.B. 241.

**SENATE BILL 421**: Requires public bodies subject to Open Meeting Law to make audio recordings of their meetings. (BDR 19-99)

Mr. Klaich stated he was in favor of specificity in knowing what the rules were, but not absolute specificity. He requested the Committee have a discussion concerning whether the Attorney General should be directed to promulgate regulations everyone could rely on and know the regulations would not change in the near future. Mr. Klaich added there was now a functioning law school which could assist in the research.

Mr. Doyle added if the Committee chose to adopt the language in section 8 of S.B. 244 and S.B. 267, it would clarify and bring the Attorney General within the Nevada Administrative Procedures Act, chapter 233B of the NRS. He said the law change would require the Attorney General to conduct a due process-style review in the context of the issuance of its Open Meeting Law opinion. He said the Office of the Attorney General was not subject to the Nevada Administrative Procedures Act safeguards.

Senator Care said an agency or person was needed as a resource if there was a problem. He said at the time the interim committee was meeting, it had appeared as though the Board of Regents was ungovernable. Chair Hardy agreed with Senator Care.

Mr. Rombardo said the enforcement powers currently given to the Office of the Attorney General permitted everything the Office currently did. He said it

created a good working environment for most public bodies, and added there were always a few for whom it did not work. He said the majority of his Office's investigations showed the public body acted in compliance with the Open Meeting Law. He said if the Office of the Attorney General drafted regulations, it could create a conflict of interest because the Office was a neutral filter.

Chair Hardy said page 10 of [Exhibit C](#) had changes recommended by S.B. 421 as requested by the Office of the Attorney General. The bill required executive board commissions and agencies to perform audio recordings of all their meetings. He asked if there was any opposition to the bill.

Ms. Shipman stated it was a policy decision. She said, in a previous session, there had been six different drafts of a bill in trying to decide who was required to have the audio tapes. She said there were concerns for small public bodies that might not afford the type of equipment required which would cost between \$1,500 and \$2,500 per unit. She said the District Attorneys Association was concerned a breakdown in equipment, or the cost of having that kind of equipment, was not the intent of the bill.

Ms. Lynch said the City of Reno taped all of its meetings. She said the City occasionally had a retreat meeting, and she was concerned how to record such a situation. She said the public could attend any of those meetings, but she was not sure how they would be recorded.

Mary Henderson, City of North Las Vegas, said North Las Vegas was the only city that had a charter change included in S.B. 421. She stated North Las Vegas did audio recordings, whether it was in their charter or not. She said they did not object to the bill but wondered why only North Las Vegas was mentioned.

Chair Hardy said the remaining policy question was on page 13 of [Exhibit C](#). He said it referenced S.B. 267 which removed the option for the Commission on Mental Health and Developmental Services to close a meeting when considering the denial of a client or the care and treatment of a client. He said the Committee would discuss that portion of the bill in the work session.

Chair Hardy stated, to clarify procedure, he was going to ask staff to draft a work session document based on the discussions held in the current meeting. He said several bills, S.B. 421, S.B. 83 and S.B. 416 for example, would be

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dealt with as independent bills. He said the subjects discussed in multiple bills would be treated as a policy discussion. He said S.B. 6 would also be dealt with separately.

Chair Hardy asked if there was any further business for the Committee. As there was none, he adjourned the meeting at 5:35 p.m.

RESPECTFULLY SUBMITTED:

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Olivia Lodato,  
Committee Secretary

APPROVED BY:

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Senator Warren B. Hardy II, Chair

DATE: \_\_\_\_\_