

ASSEMBLY CONCURRENT RESOLUTION NO. 55—COMMITTEE ON GOVERNMENT
AFFAIRS

APRIL 28, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Urges public bodies to allot equal time for certain testimony at public meetings.
(BDR R-1721)

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Urging public bodies to allot an equal amount of time for certain testimony at public meetings.

- 1 WHEREAS, The basis of the American form of government is
- 2 representative democracy in which government is exercised through elected
- 3 or appointed representatives of the people; and
- 4 WHEREAS, American democracy derives its power from the people, and
- 5 the resulting government is charged with acting on behalf of and in the best
- 6 interest of the people; and
- 7 WHEREAS, A public body is a tool for conducting the business of the
- 8 people; and
- 9 WHEREAS, It is critical that the actions of a public body reflect serious
- 10 consideration of the opinions of the people that the public body represents;
- 11 and
- 12 WHEREAS, To ensure that a public body is fully aware of the opinions of
- 13 the people that it represents, the meetings of the public body are open to
- 14 public scrutiny and participation; and
- 15 WHEREAS, A fundamental notion of democracy is that a public body
- 16 must ascertain and consider fully the varied opinions of the people that it
- 17 represents before taking action upon an item on its agenda; and
- 18 WHEREAS, To ascertain the opinion of the people, the public body must
- 19 provide a forum which is open to and which fairly represents the differing
- 20 opinions and points of view of the people that it represents; and
- 21 WHEREAS, To provide such a forum, the public body must ensure that
- 22 all points of view on an item on the agenda, whether popular with the
- 23 public body or not, are allowed an equal opportunity to be presented and
- 24 fully developed; and

1 WHEREAS, To provide such an equal opportunity, the public body must
2 allot equal amounts of time at a meeting for testimony, including
3 presentations, in favor of and in opposition to an item on the agenda and
4 equal amounts of time for rebuttals to such testimony, as long as the
5 testimony and rebuttal are not repetitive or irrelevant; and

6 WHEREAS, It has come to the attention of the Nevada Legislature that
7 some public bodies in this state do not allow equal amounts of time for
8 such testimony and rebuttal, and hence, by not allowing all opinions of the
9 people that it represents a fair opportunity to be heard, may not be able to
10 act on behalf of and in the best interest of the people; now, therefore, be it

11 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
12 CONCURRING, That the Nevada Legislature hereby urges all public bodies
13 that are subject to the provisions of chapter 241 of NRS to provide a forum
14 to the public which is fair and which adequately allows expression of all
15 sides of an issue before a decision is made; and be it further

16 RESOLVED, That the Nevada Legislature hereby urges such public
17 bodies to allot equal amounts of time at a meeting for testimony, including
18 presentations, in favor of and in opposition to an item on the agenda, as
19 long as the testimony is not repetitive or irrelevant; and be it further

20 RESOLVED, That the Nevada Legislature hereby urges such public
21 bodies to allot equal amounts of time at a meeting for the rebuttal of such
22 testimony, as long as the rebuttal is not repetitive or irrelevant; and be it
23 further

24 RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a
25 copy of this resolution to the Attorney General, State Board of Education,
26 Nevada Association of Counties and Nevada League of Cities for
27 distribution to all public bodies that are subject to chapter 241 of NRS.